A SELECT

COLLECTION

OF THE MOST

of Great Britain and Ireland

INTERESTING LETTERS

ON THE

GOVERNMENT, LIBERTY, and CONSTITUTION of ENGLAND;

Which have appeared in the different News-papers from the *elevation* of Lord Bute, to the death of the Earl of Egremont.

WITH

Several REMARKS and EXPLANATORY NOTES.

VOL. I.

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M.DCC.LXIII.

BRITISH MUSEUM

TO

JOHN WILKES, Eſq;

SIR,

THE propriety of addreſſing theſe volumes to you, ariſes from the glorious ſtruggles you have made in defence of ENGLISH LIBERTY; in oppoſition to the oppreſſive acts of Scotch tyrants, (who are *naturally* prone to extinguiſh every part of it) and the arbitrary mandates of an inſolent, weak and corrupt adminiſtration.

The ſervices which you have rendered to the ſecurity of our liberties, have deſervedly endeared you to every Engliſh ſubject; who, while he breathes the air of this FREE country, will revere the name of WILKES: nor will poſterity be in the leaſt ungrateful; for gratitude is natural to an Engliſhman, though unknown to a Scot. While ENGLISH LIBERTY therefore exiſts, the name of WILKES will be venerated among Engliſhmen; as the guardian and champion of our conſtitutional rights, againſt the

repeated

repeated attempts which have been *lately* made to enſlave this FREE country.

It is the wiſh of every honeſt Engliſhman, who almoſt adores his ſovereign, while, if poſſible, he more than abhors an incapable and corrupt adminiſtration, that there never may be wanting A WILKES, to defend and protect the conſtitutional liberty of this country, againſt the wicked deſigns of ſuch men, as we have lately ſeen endeavour to deſtroy it; nor can this wiſh be more fervent in any, than,

Sir,

Your moſt humble and

obedient Servant,

The EDITOR.

INTRODUCTION.

THE Literary diſpute which is here collected, begins with the *elevation* of the Scottiſh earl of Bute, to the high office of firſt lord of the Engliſh treaſury. Perhaps the *purchaſed* friends of the moſt odious and contemptible miniſtry with which this country was ever ſaddled, will think this collection ought to have begun with the altercation which enſued on mr. Pitt's and lord Temple's reſignations. But to obviate whatever may appear like a fault of that kind, it will be proper to obſerve, that the ſeveral letters, &c. which were publiſh'd in the different news papers about that time, conſiſted principally, if not wholly, of declamation, ſcurrility and abuſe. There is nothing of fair argument to be found in them. They were written by Scotſmen and other tools of the miniſtry, in order to pave the way for lord Bute's elevation. Neither mr. Pitt nor lord Temple ever inſtructed or requeſted, any perſon to vindicate their cauſe; they left it to the public at large, becauſe they apprehended it needed no vindication: time fully proved the rectitude of the meaſures they propoſed, as well as the ſuperiority of their underſtandings; and the conſequence has been, that they have, if poſſible, emerged to a higher pitch of glory, than they were at before; and the cloud of miniſterial ſlander, which was intended to blacken them, is not only vaniſh'd, but is never mentioned, without the ſtrongeſt marks of contempt

and abhorrence. Such ſcandal, falſity and abuſe is not only deſpiſed, but would become more infamous by preſervation. It is therefore a charity to that miniſtry, which cauſed ſuch pieces to be written, to let them ſleep in the contempt they deſerve.

Lord Bute intended, and attempted, to take the lead in the adminiſtration, from the very moment the breath was out of the late king's body; but the true friends of their country, who laid the foundation of all that glory which has been acquired, for ſome time prevented him: means however were at length found, aſſiſted by the moſt infamous arts of *low cunning*, to worm out the beſt ſet of miniſters which this country had ever experienced, in order to make room for an inſolent, all-graſping Scot, and his tools. It was inſtantly perceived what ſort of an adminiſtration we were *then* to have: men who had been in a ſtate of proſcription for fifty years, upon more than a ſuſpicion of diſaffection; who were notorious enemies to the illuſtrious houſe of Hanover; whoſe ſubſcriptions at the Cocoa-tree in ſupport of the moſt infamous libels on *this* royal family, evince both their political and hereditary principles, in the ſtrongeſt manner; whoſe papers were ſo tinctured with Jacobitiſm, as to bear the moſt evident marks of being abſolutely written in favour of a Popiſh pretender, whom, when come among them, they had not courage to openly eſpouſe: who ſince the death of his late majeſty, have not ſcrupled, both within and without doors, to libel his memory, becauſe he had ever, upon the juſteſt reaſons, diſtruſted their ability, honeſty and integrity. It was likewiſe

likewiſe perceived, that the new miniſters *muſt* make peace: that they had not wiſdom to conduct the war, and therefore could not ſtand, if it was continued. In a word, no truer idea can be formed of theſe times, than figuring to ourſelves thoſe infamous ones, which preceded the peace of Utrecht. Let us fancy a miniſtry devoted to the intereſt of France, who roſe to power, and gave back all the valuable conqueſts which England had made, at an immenſe expence of blood and treaſure; and then let us aſk, Whether a Frenchman could have deſired more? or whether he could even have hoped for ſo much? — TWICE have the Whigs brought France to the brink of ruin; and TWICE has ſhe been preſerved by the Tories. The treaties of Utrecht and Paris, in the years 1713 and 1762, will be everlaſting monuments of this truth.

On the elevation of the earl of Bute to the office of firſt lord of the treaſury, the altercation began, by the Scots aſſerting, that *their* countryman had an equal right, excluſive of the FAVOUR of the king, of which they made a ſort of triumph, to be at the head of the treaſury, with any Engliſh ſubject. With this altercation this collection begins.

LETTER I.

IT gives me no ſmall offence, to obſerve Scotsmen and miniſterial writers endeavouring to deceive the public by general aſſertions which are falſe. One of theſe is, "that all Britons are alike, and therefore it ought to be indifferent to the nation who are inveſted with power, or who enjoy the employments of profit."

Now I do ſay, that great power in England ought only to be truſted with thoſe who are the beſt friends to the Engliſh conſtitution. England, it muſt be allowed, is the moſt important part of the Britiſh dominions, has the greateſt ſhare of the legiſlative power, the greateſt quantitity of all kinds of property, contributes by far the moſt to the ſupport of government, and alſo to the demands of ſtate, and therefore ought to have a full proportionate ſhare in the general exerciſe of power, and in the emoluments of office.

There is a wide difference between a Sovereign's ſervants and his miniſters. His ſervants have the care of his palace only: but his miniſters have that of the kingdom: in the choice of the latter therefore, the inclinations of the people ought always to be conſulted. Miniſters are, by our conſtitution, conſidered as ſervants of the commonwealth, as well as of the crown, and muſt be as much anſwerable to the former as to the latter for their conduct in office. It may be quite indifferent to the people who wear the feathers of ſtate; but it cannot be ſo with regard to thoſe who have the diſpoſitions of their properties, lives and privileges in their hands. In truſts, therefore, of ſuch kinds, their paſſions will become intereſted. It is fit they ſhould be ſo: and it is fit alſo, in ſuch matters, that their inclinations ſhould be conſidered.

The Engliſh are not national in their perſonal attachments. They make friendſhips with, and do ſervices indifferently to, all their fellow-ſubjects. Who moſt act otherwiſe I leave to the experience of all men to determine,

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as well as of thoſe who now cry out for the indiſcriminancy of regards, and how far they themſelves are like to become impartial practicers of that general duty.

The care or religion, the adminiſtration of Laws, the offices of government and revenue in Scotland, are now, and always of late have been, only placed in Scotch hands. That is far from the caſe in Ireland: nor is it quite the caſe in England. Which country therefore appears to have moſt national conſideration? And which, from its comparative importance, has the leaſt reaſon to complain, or the moſt to be contented?

Do Engliſhmen, or Iriſhmen, ever complain that they do not come in for a ſhare of Scotch preferments? or are they ever heard to aſſert, that they have an equal right to the enjoyment of them with the natives, or inhabitants of that part of Great Britain. Fair play, and fair ſharing, is what in all things may be called honourable: and it is what prudence ſhould ſuggeſt for univerſal contentment.

Individuals are, and ever will be, ſelf intereſted. It may perhaps be ever impoſſible to ſatisfy all mens deſires; but it ſhould always be a practice, by REAL impartiality, to adhere to ſuch regulations as ſhould furniſh to bodies of men, no reaſonable cauſe of complaint; at leaſt to the moſt conſiderable part of a people.

What I would be underſtood to blame is, partial infuſions of opinion under pretences of impartiality, and the propagating of erroneous notions under the colour of ſtrict duty; againſt

the poiſon of which I have furniſhed theſe looſe hints. JOHN BULL.

LETTER II.

IF John Bull will review his looſe hints, I am perſuaded he will acknowledge, ſome of his own general aſſertions are erroneous, and formed more upon old prejudices than a juſt view of the preſent ſtate of things. That there are fewer Engliſhmen in offices, either in Scotland or Ireland, than Scotch or Iriſh in England, is plainly owing, not to any national attachment, but to the ſeat of government being in England. If the ſeat of the Britiſh government was either in Scotland or Ireland, doubtleſs it would be no wonderful thing to ſee great numbers of Engliſhmen filling a variety of poſts, both in the civil and military; but in that caſe few Scotch or Iriſh would leave their own country to ſeek for preferment in England. Can John Bull aſſign any good reaſon why the kingdoms of England Scotland ought at this day to be looked upon as any thing elſe than a mere geographical diviſion of this iſland; and if this be allowed, his ſecond paragraph, urging a preference to one part more than another, falls to the ground. Narrow and vulgar minds are mighty fond of local partialities; and, like the country lady, who aſſerted, that the moon they had in their village was bigger than the London moon, vainly imagine that all excellence is confined to their birth-place; and that it would be abſurd to look for worth or abilities beyond ſuch a river, or out of ſuch a country.

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The whole of John Bull's letter is founded upon ſuch falſe prejudices as theſe, conſequently, inſtead of inſtructing with candour, it tends to miſlead and deceive: but as it would be invidious to enlarge on the topics he has touched upon, I beg leave to conclude with his own words, "That I muſt blame partial infuſions of opinion under pretences of impartiality."

Wanſtead, Eſſex. June 1762.

LETTER III.

THE gentleman of Wanſtead has not only wilfully miſtaken my queſtions and aſſertions, but alſo my intentions. I did not aſk, if there were not fewer Engliſhmen in offices in Scotland or Ireland, than there are Scotch or Iriſh in England? I aſked, if Engliſhmen or Iriſhmen ever complained that they do not come in for any Scotch preferments? or ever thought they had an equal right to them with Scotchmen? and added, that was far from the caſe in Ireland, and not quite the caſe in England. But this, it ſeems, has given offence to the impartial pleaders for indiſcriminacy, and therefore I ſhall farther explain myſelf.

I, who am an impartial Engliſhman, or legitimate ſon of old John Bull, do aver, that I never heard of any Engliſhmen or Iriſhmen who enjoyed poſts in Scotland. But I confeſs that Engliſhmen and Scotchmen enjoy moſt of the good poſts in Ireland, while the Iriſh enjoy very few in England: but the Scotch hold a much larger proportion here than their contributive capacity can entitle them to, if they had no eſtabliſhment of employments to engroſs

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in their own country. If the Wanſtead gentleman doubts of this, I ſhould be glad he would procure and publiſh, an accurate account of the neat produce of all Scotch taxes whatever; and place againſt them, the exact amount of all pays, ſalaries, and perquiſites of Scotchmen, in civil, military, and marine employments, on the Engliſh and Iriſh eſtabliſhments, without any mention of thoſe of Scotland, which they ſolely engroſs; and then ſtrike a balance, to ſhew the true ſtate of their contributive and benefitted conditions, in order to juſtify their plea to univerſal indiſcriminacy. And after he has done that, I ſhould be glad he would ſtate an account of impartiality alſo, by giving liſts of Engliſhmen who have been advanced in life, and dealt with, by Scotchmen; and of Scotchmen who have been ſerved, and traded with, by Engliſhmen, in order to ſhew on which ſide generoſity and indiſcriminacy have moſt effectually been practiced. By all of which means we ſhall come to the knowledge of who are moſt favoured, moſt moſt generous, and moſt impartial; and conſequently of thoſe who moſt contribute to the to the aboliſhing of all local diſtinctions: and of who, on the contrary, are the greateſt keepers of them up.

My ſiſter Peg is in fact a very rampant baggage; but it is not her place to be uppermoſt: there is no mounting of St. George, ſo ſhe muſt be content to knock under. The good humoured ſaint will always be inclined to give his neighbour St. Andrew a long lift behind him on his palfrey: but to think of getting into the ſaddle and ſeizing the reins, will require more

tameneſs

tameneſs in the nag and his owner, than it is reaſonable to expect. Every one muſt chuſe to keep the power that belongs to him: and thoſe who will practice extraordinary feats of jockeyſhip, may perchance break their necks, or be thrown ſo deep into a bog, as to be never able to get out of it again. JOHN BULL.

LETTER IV.

THE whole tenor of John Bull's letters is pleading for an excluſive preference of one part of the iſland to the other. But all who are not blinded by prejudice will acknowledge, that there is but one kingdom in this iſland, that owes its wealth, power and grandeur to that happy circumſtance, and that no perſon born in any part of it is excluded from the higheſt offices, if his probity, rank, and abilities, entitle him to ſuch preferment. By the mutual contract of union, the inhabitants of both countries are undoubtedly entitled to the ſame common privileges; and I would aſk John Bull if he can find it ſtipulated in that treaty, that the inhabitants of one country ſhould perpetually *partes ſecundas ægere*, when the proſperity of the whole depends abſolutely and indiſpenſibly upon the unity of the whole; I ſay, a ſeperate conſideration of parts detachedly is moſt abſurd. If the nation be well ſerved, what ſignifies it to the public in what corner of the iſland any officer, either civil or military, had his birth. If I were to divide a ſhip into two parts, and aſk John Bull which of the two was the beſt for ſailing to the Eaſt-Indies, he would doubteſs reply, that neither of them could perform ſuch a voyage apart, but that it required

required the unity of both; and if he would lay aſide his weak partiality, he would plainly perceive, that the ſame unity is neceſſary for the well-being of the ſtate.

What ſport would it afford to the people of this iſland, if the Spaniards of Caſtile and Arragon, inſtead of attacking the Portugueſe, ſhould fall to leaving each other about national preferences? and would not we think them mad, and in the highway to deſtruction, if ſuch factious writings as are publiſhed every week in London, were brought to us from Madrid. If we would but cooly reflect what a figure we muſt at preſent make to foreigners, how our enemies will be triumphing, how imprudent our diſſentions muſt appear to our coloniſts, and how all Europe will be laughing at our abſurdities, we would certainly be aſhamed of our animoſities and contentions.

Wanſtead.

LETTER V.

THAT the Wanſtead gentlemen may no longer miſtake my meaning, I will now ſpeak very plainly. Scotland does not contribute a fortieth part towards the ſupport of government and war: juſtice therefore requires, that ſhe ſhould have but a proportionate ſhare of ſtate employments and emoluments: is this reaſonable, or is it not? yet perhaps Scotſmen have long enjoyed near twenty times their due, and the Engliſh have not much repined at it. But as there is now a power lodged in Scotch hands for diſpoſing of all revenue offices, the Engliſh, ſenſible of Scotch partiality from long experience

experience, do entertain an opinion, that the fleeces of their rich paſtures are doomed to the ravage of the hungry and naked wolves of the barren mountains of the North, becauſe they know that no North Briton dares reſtrain their greedineſs for rapine, without being conſidered as an alien, or an apoſtate, and purſued by them as an enemy.

Why therefore ſhould a man accept of a ſtation that muſt create enmity to him in one party or the other, and likewiſe that muſt cauſe diviſions? by doing ſo, he is ſurely the author of them; and his partizans ought not to complain of clamours, ſince his quitting that ſtation will at once put an end to them. Public union is then a matter entirely in his own hands: he only has been the deſtroyer of it, and he ought to be its reſtorer. If he thinks agreement will be of advantage to the kingdom, let him make the only ſacrifice that can moſt effectually promote it. This will be manifeſting the ſtrongeſt affection in his power to ſhew, both to his Sovereign and his country. One man's ambition ſurely ought to appear more conquerable than a whole nation's opinions, or even prejudices, which have been rooted in experience, and which they are not ſoon like to part with; at leaſt till they ſee a good cauſe for giving them up.

What has England got by the union, but the mere means of living quiet? which ſhe purchaſed with the repartition of her whole commerce and colony-proprietorſhip. If Scotland receives more by government employments than ſhe contributes towards its ſupport, of courſe England protects her in all induſtrious purſuits,

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and has given her a ſcope that will be endleſs for proſecuting them to advantage What would ſhe have more? Let her ſpeak out and ſay "Why all government employments in England, as well as in Scotland: we want the Engliſh to labour, and ourſelves to be their taſk-maſters and plunderers, the clear ſingle motive of our pleas for indiſcriminacy, which we claim in the ſouth, but deny in the north."

It is not the fault, but misfortune, of Engliſhmen, that Scotland is a poor and barren country, like Wales. But while Wales ſends us up chairmen, and footmen, and huſbandmen, to work in common with us, and on a cordial and equal footing. What right has Scotland to ſend us up whole ſhoals of pretended gentlemen, who did not wear ſhoes in their own country, to live in affluence and idleneſs upon our labours and eſtates? for it is the produce of them which conſtitutes the whole government revenue, and therefore the emoluments and employments of it ſhould be kept ſacred to the people who contribute to its produce. Let but the Scotch mingle among us as they ought, and keep up no ſeperate intereſt, and then we ſhould be as little jealous of them as we are of any others of our fellow ſubjects, but while they hang together, and are partial, they provoke us to do the ſame. JOHN BULL.

LETTER VI.

THE real matter of contention appears to be, whether the chief power of adminiſtration ought to be in the hands of the Scotch, or the Engliſh? For to ſay that the union is ſo com-

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pleat as to have eſtabliſhed an union of opinions and purſuits, would be aſſerting the thing that is not. The Scotch, as the ſmaller number, do hang together; and prevent thereby ſuch an union; and as their motive for doing ſo is that of individual intereſt, which they ſtrenuouſly promote by national union, that union creates a jealouſy which cauſes a counter one for oppoſing them; for it cannot be expected, but all bodies of people, as well as individuals, will be ſelf intereſted: and therefore union, on this principle, eſtabliſhed on one ſide, will create it on the other.

The union of the two kingdoms was at beſt greatly defective; becauſe Scotland has a different eſtabliſhed religion to England, and had, till within theſe very few years paſt a different civil conſtitution likewiſe. Their heritable juriſdictions excluded the eſſential democratic part of ours, and were infuſers of principles of government incompatible with Engliſh ones. Time may aboliſh thoſe principles; but they are not aboliſhed yet: and till they are quite aboliſhed, conſtitutional power here in Scotch hands will, with ſome ſtrong colour of ſound reaſon, be always dreaded by the Engliſh. Their excellent conſtitution is their greateſt glory and happineſs, and in both caſes muſt be allowed to be the greateſt that were ever enjoyed by any people upon earth. This is an intereſting conſideration, which will force its own weight: and as experience has convinced them, that, from the nature of their own old conſtitution, when inveſted with power, Scotchmen are apt to be overbearing as well as partial, it cannot be

expected that Engliſhmen will not think their rights and intereſts at home will be always ſafeſt in Engliſh hands; and while they have reaſon to think ſo, they will not be ſatisfied without it.

Nor can they deſerve accuſation on this head: nor ought their moderation to be arraigned, while they interfere not with the laws, the religion, the government, or offices of Scotland, nor ever repine at the military or marine employments, or even civil ones, on the Engliſh eſtabliſhment, given to Scots, if the exerciſe of them cannot endanger the conſtitution. They glory in the moderation of their government and laws: and abhor of thoſe rigours which Scotchmen are prone to exerciſe, from the arrogance which ariſes from their ariſtocratical principles. Even the Engliſh noblemen are ſeen tender of availing themſelves of the privileges of peerage which the conſtitution allows them: and if any act otherwiſe, they are ſure to be hated for it; as all men will be deteſted who appear arbitrary and tyrannical in office. Theſe are juſtifiable motives in Engliſhmen for being jealous of high power over them being given to the Scots. As juſtifiable is that of having a right regard for their own intereſts: and ſuch we muſt ſuppoſe they ever will have, as being what really ought to be. A SOUTH-BRITON.

[The two next letters need no key; for there is not an Engliſhman who is ignorant of the prodigious ſhoals of Scotſmen, that have come to London to *get poſts*, (as they term it,) ſince their countryman arrogantly aſſumed the unconſtitutional office of *premier*.]

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LETTER VII.

Had Cain been Scot, G— would have chang'd his doom;
Not ſent him wand'ring, but *confin'd him* home.

BEING an inhabitant of the free town of Berwick upon Tweed, and on the borders of that river which divides the once two kingdoms, am convinced of the truth contained in the above prophetic lines. I ſcarce ever ſaw any of the ſame face return, tho' have often been curious enough to watch merely to that purpoſe.

Many of them promiſe to be back again; and add, "I hope to have your better acquaintance, and that I may ſhew my *grottitude* for your *ſeevileetes* on my return." But have waited many years to no purpoſe, in order to catch one of theſe birds of paſſage in the fact of flying upwards. In vain are all ſuch my deſires; and I have bid adieu to improbabilities.

Walking a few days ſince, on the green banks of that river which furniſhed ſo beautiful a ſong (almoſt in every damſel's or her ſweetheart's throat) I ſaw a poor ſtocking-leſs laddy, who aſk'd me charity to paſs the ferry. The boat being on the oppoſite ſide, gave me a pleaſing occaſion to catechize him, as to his future deſigns; and amuſe my own time, as I drew the evening air, after a fatiguing day's work.

Q. Well, and what is your name little boy?

A. Angus M'Greogor, ſee ye, ſir; Angus M'Greogor.

Q. What family are you of; and are you a deſcendant of the great M'Greogor's, who once were king's of Fife? *A.* Yes,

A. Yes, ſir; *leeneally* deſcended from the king of that name. My mother (who was a M'Intoſh) kept a *regilar* account of the family? a *leeſt*, ſee you, ſir; but all I know is, that my great, great, grandfather's fourth wife's maiden name was Stuart; and, on that, I build my hopes in paſſing ſouthward.

Q. But how can you think of arriving there without money, little boy?

A. See ye, ſir, all my country folks do ſo, and live well too. When once I come to the grand *ſeety*, I ſhall do well enough.

Q. But how? I fear you are miſinformed; and ſhould you do any thing there againſt the laws of the country, you may never return.

A. See you, ſir, we can all *flotter*, and have a *na-tiral* ſort of *hoomility* when we want any thing; however, we over-bear when we get the better; this is between ourſelves; nor would I have told you ſo much, but that, ſee you, ſir, 'twas you who gave me charity e'n now.

Q. *(aſide)* The boy will do, I ſee.] Well, *(turning to him)* what do you think to obtain at London?

A. Why, ſee you, ſir, one of my names is Stuart, and my ſiſter is married to a M'Kenzie, names of *eeminence* now; that is ſufficient to get me a ſmall *ſteepend*, or a place in the *occiſe*; or I may be an *ofiſher*, in a little time, with theſe pretentions.

Q. Oh I dont doubt it. Well, I wiſh you good luck—the boat is coming—but be ſure you call on me when ever you return.

A. I hope that never will *hoppen* ſee you, ſir: but if I do, I will not want *grottitude*.

And

And ſo they have all ſaid; however, I never expect it; and therefore, according to Mr. Pope's ninth beatitude, ſhall never be diſappointed.

The converſation (which indeed was more than my memory would ſuffer to commit to writing) threw me into a reverie of thinking, (not unpleaſing) how a lad like the preſent, unaſſiſted by money or recommendations, ſhould have the very idea of paſſing ſo many hundred miles, merely on a bare preſumption that he ſhould certainly thrive there, becauſe of one or other of his names. Happy thoſe who find ſuch real advantages from trifles.

There are few can boaſt a better or older Engliſh name than myſelf; and yet, though a Howard, not one of that noble and powerful family ever gave me the leaſt aid or aſſiſtance, either in my trade or otherwiſe.

I really think it to the honour of North Britons in general, that ſuch accidents are ſteps to preferment. A man's name is ſoon known; his merits take up a tedious time to explain; but on the bare giving the name of a Campbell or a Donaldſon, a Frazer or a Gordon, to the porter at the door of the head of ſuch a chief, all is over. You are firſt invited in as a kitchen gueſt, and ſo riſe by ſlow, but ſure degrees, to the rank of a parlour viſiter.

Suppoſe him a Gordon, for inſtance; every ſhopkeeper of that name, furniſhes him with boots, ſhoes, breeches, cloaths, linnen, hats, and wigs, if perchance he wears not his own golden or ſandy hair. A poor unbefriended

Engliſhman

Engliſhman walks about half naked, with brown paper perhaps within his ſhoes for want of caſh to pay a cobler for ſoling them!; while Jemmy Gordon wears his dancing pumps, with heels of ſhagreen, double ſtitch'd with white ſilk. Amazing metamorphoſis!

A Freeman of BERWICK upon TWEED.

LETTER VIII.

SCOTS *from the northern frozen banks of Tay.*
With packs and plaids come whigging all away;
Thick as the locuſts which in Egypt ſwarm'd,
With pride, and hungry hopes, completely arm'd;
With native truth, diſeaſes, but no money,
To plunder Canaan of her milk and honey.

ARRAH faith now, but I verily believe that my good friend and countryman, captain O'Connor, who brought me hither in his own veſſel from the ſhity of Dublin its ownſelf, has committed a deviliſh kind of a miſtake, and inſtead of landing me in England, has put me aſhore in Scotland; for the devil of any thing can I ſee but Scotch faces all the way from St. Katherine's to St. James's! — The devil burn me if I can ever think this is the ſhity of London! — Becaſe why, it looks ſo much like Edinburgh, that a Scotſman himſelf would hardly know the difference, only by the good living. Certainly there muſt be ſome flamm in the caſe — either London has gone to Edinburgh, or Edinburgh is come to London — without Scotſmen have the privilege to be born here, as well as in their own country. Who the devil would have thought that broad Scotch ſhould have been ſo familiar in the capital of England?

I have nothing but the drawling accent of the Caledonian dialect in my ears from morning to night, and by my ſhoul I believe as ſoon as I can get the burr out of my throat, that I muſt be obliged to turn Scotſman in ſpite of my country, whether I will or no; for the devil of a cut of bread or a drink of beer can I get among ſuch a ſwarm of them. I have been here ſix weeks, in hopes of getting into ſome livelihood, but the devil of a livelihood ſhall I get till I am dead, and then as the miniſter tells me, I ſhall live for ever and ever. — At preſent the Duncans, the Campbels, the M'Banes, the Mackintoſhes, and even the very Stuarts fill up all the poſts of honour and profit, and there is hardly a hole left for an Engliſhman to put his head in; ſo that if I can but ſqueeze myſelf into a crack or a cranny, I ſhould think myſelf extremely happy. Formerly an Iriſhman ſtood ſome chance of making his fortune in England with a lady, but it is all over with us now: The Scots lilt has got the upper hand of the Iriſh jigg. Surely theſe can never be the ſame people that were hanged and ſhot ſome years ago for making a bother in the north. No, no, they would never have ſo much favour ſhewn them, after ſuffering ſo ſhamefully for treaſon, without they have found a way to make traitors loyal, which perhaps may be done by the art of logic or magic, one of the two: but as I am neither a logician or a conjurer, I will not pretend to bother my brains about it.

Full of melancholly reflection I ſaunter about from one place to another: If I put my head into a beer houſe I find it full of Scotſmen, who look upon me with as much contempt as if I was

a Hottentot; they call me teague and bogtrotter, and bid me go back to my own country and have the brogue taken out of my face, notwithſtanding the diſagreeable drawl peculiar to themſelves. But nothing grieves me ſo much as to ſee my own dear countrymen turning themſelves into horſes, to carry Scotch aſſes in chairs, round about the great ſquare, where the golden man ſtands ſitting upon the golden poney; I forget the name of that place — but it is where the ſoldiers ſtand at a great gate to ſhew the bonny Scots the way to preferment — where I often ſtand to my ſorrow, ſaying to myſelf with a great ſigh, "would I were a Scotſman that I might play upon the bagpipe, ſince it goes ſo well in concert with a German Flute and an Engliſh fiddle." An HIBERNIAN.

LETTER IX.

I Was much pleaſed in a tour I have juſt made, to find that the Right Honourable the earl Temple has lately dedicated a moſt magnificent building at Stowe, of the Ionic order, —— "Concordæ, et Victoriæ." In the pediment of the portico is a fine alto relief, repreſenting the four quarters of the world bringing gifts to Britain. In the portico, or anti-temple, two medaillons, "Concordia Fœderatorum, Concordia Civium." Over the door, "Quo tempore Salus eorum in ultimas anguſtias deducta nullum ambitione locum relinquebat." In the inner temple, in a nich facing the entrance, the ſtatute of Britannia, over which, in a tablet, "Candidis autem animis voluptatem præbuerint in

in conſpicuo poſita, quæ cuique magnifica merito contigerunt." On the walls, fourteen medaillons, repreſenting the taking of Quebec, Martinico, &c. Louiſbourg, Guadalupe, &c. Montreal, Pondicherry, &c. naval victory off Belleiſle, naval victory off Lagos; battles of Crevelt, Minden, Fellinghauſen; taking of Senegal and Goree, Niagara and Crown Point, Beau Sejour and Fort du Queſne, Cherburg and Belleiſle. On a hill at a diſtance, in a diagonal line, riſes an obeliſk above one hundred feet high, inſcribed to Major General Wolfe, "Oſtendunt Terris hunc tantum Fata."

I could not help ſending you an account of this elegant and pleaſing memorial of Engliſh greatneſs, yet entire.

LETTER X.

The wiſdom of the good people of England in the year 1762, recorded, for the benefit of poſterity, by

The COBLER of CRIPPLEGATE.*

A Girl [i. e. The Cock-Lane Ghoſt.] ſcarce out of leading-ſtrings, ſets ſome of the wiſeſt heads in the kingdom to work for many weeks, in order to diſcover that, which a bundle of rods would have found out in five minutes. Certain

* [During the preceding year, ſeveral letters appeared in the public papers ſigned "The cobler of Cripplegate", which were ſoon diſtinguiſhed by ſuch a genuineſs of wit and humour, as but very rarely appears: as the author was unknown to the public in general, ſeveral coxcombs laid claim to the merit of them; but to the confuſion

Certain outlandiſh beaſts have taken poſſeſſion of a ſpot in the city, by ſome called 'Change-alley, by others knaves-acre; and whilſt they devour the ſubject, bid defiance to power.

Taxes upon taxes, and beer ſold at three pence halfpenny, not worth three farthings. Brewers pining at the hardſhips they labour under, and rolling away in their coaches and ſix to their ſeveral villas, to drown their grief in Burgundy and Champaign.

Twelve pounds given for a recruit, and thouſands of lazy, idle fellows, a diſgrace to ſociety, ſtaring the officers in the face; fellows who never ſaw a guinea of their own, but what they got by thieving, or the ſweat of a poor harlot's brow.

Poor whores, who ply in the ſtreets, now and then ſent to Bridewell, to improve their morals, and public brothels permitted in every quarter of the town.

Old houſes tumbling down, and cruſhing whole families to death, for which their ſurviving friends have the ſweet conſolation of hearing ſome man in power cry, 'TIS A MELANCHOLLY AFFAIR.

Harmleſs old gates pulled down, and the new one (ſo called) left ſtanding, to ſtare honeſty and good policy in the face. German

fuſion of ſuch infamous boaſters, and for the certainty of public information, it is now not improper to ſay, that the real and only author was, mr. Peter La Coſte, jeweller, of Bartholomew cloſe; who died ſoon after the above piece was publiſhed. He was a facetious companion, a good friend, and an honeſt man.]

German connexions right to-day, and wrong to-morrow —— *Mem.* Our opinions as changeable as our weather.

Methodiſm like a raging fire threatning to conſume the land, and not one orthodox bucket handed out to quench the flames.

French follies, and French wares, daily imported, and ſtate watchmen faſt aſleep at their ſtands.

Every ſpoke in the wheels of the waggon of induſtry clogged with taxes, and the gay chariot of luxury permitted to roll over the turf of voluptuouſneſs without check or impedient.

The ſtate bark making to port in foul weather, and no ſkilful pilot to take the helm.

LETTER XI.

The Genealogy of a JACOBITE.

THE devil begot ſin, ſin begot error, error begot pride, pride begot ignorance, ignorance begot blind zeal, blind zeal begot ſuperſtition, ſuperſtition begot prieſt-craft, prieſt-craft, begot lineal ſucceſſion, lineal ſucceſſion begot indelible character, indelible character begot blind obedience, blind obedience begot falſe worſhip, falſe worſhip begot infallibility, infallibility begot the pope and his brethren in the time of Egyptian darkneſs, the pope begot purgatory, purgatory begot auricular confeſſion, auricular confeſſion begot renouncing of reaſon, renouncing of reaſon begot implicit faith, implicit faith begot carnal policy, carnal policy begot unlimited paſſive obedience, unlimited paſſive obedience begot non-reſiſtance, non-reſiſtance begot oppreſſion, oppreſſion begot faction,

faction

faction begot diſaffection, diſaffection begot a Tory, a Tory begot a JACOBITE, on the body of the whore of Babylon, when ſhe was deemed paſt child bearing

LETTER XII.

WHERE the inclinations of men are neither influenced by intereſt on one ſide, nor prejudice on the other, their affections will go along with that cauſe, and embrace that ſide of the diſpute which appears moſt juſt.

When I read the actions of Gaveſton, or the Spenſers, my indignation riſes againſt them, yet ſure no man will call it perſonal prejudice; I knew them not, nor does my hatred ariſe from their refuſing me an employment for which I was not qualified.—On the other hand, when I approve and commend the adminiſtration of Queen Elizabeth's counſellors, it is not becauſe they were of the ſame principles as to party with myſelf, that they were either Whigs or Tories, for I know they were ſtrangers to both.

I mention this to ſhew what an idle way ſome men have of anſwering diſputes in our times.—But it was not ſo of old, for under the moſt glorious reigns, and wiſeſt adminiſtrations, if the leaſt grievance happened, people complained with all freedom, and no man pretended to ſtop their mouths, by ſaying, they attacked the perſon of the prince; our ſovereigns always lent their ears to the voice of the people, and took ſuch to be their beſt friends, who had the courage to repreſent the abuſes committed by evil counſellors in a true light.

To prove this, I will take notice of a circumſtance in the reign of Queen Elizabeth, a reign in

in which there were fewer errors than in any before or ſince.—Some cunning courtiers had found means to deceive that diſcerning princeſs, by repreſenting to her, that the granting patents for the ſale of certain goods, would be very beneficial to trade.—This was no ſooner done, but the people found the inconveniency of them, and men both writ and ſpoke againſt ſuch practices very boldly; and the members of the houſe of commons, who were not in the leaſt influenced by the courtiers, moved the houſe againſt them. — The queen hearing they were complained of, did, herſelf, make a more ſtrict enquiry into the nature of them, and finding them to be grievances, publiſhed her proclamation for revoking them, without waiting for the reſult of what would be done in the parliament; and then ſent for the ſpeaker of the houſe of commons, who being attended with above a hundred of the members, and who having thanked her for recalling her patents, ſhe made them the following ſpeech.

" Mr. Speaker,

" YOU give me thanks in the name of my people, but I doubt me, I have more cauſe to thank you all, than you me; and I charge you thank them of the houſe of commons from me: for had I not received a knowledge from you, I might have fallen into the lap of an error, only for lack of true information.

" Since I was queen, yet did I never put my pen to any grant, but that upon pretext and ſemblance made unto me, that it was good and beneficial to the ſubjects in general, though a private profit to ſome of my antient ſervants,

who had deſerved well: but the contrary being found by experience, I am exceedingly beholden to ſuch ſubjects as would move the ſame at firſt.

" I am not ſo ſimple to ſuppoſe, that there be ſome of the lower houſe, whom theſe grievances never touched; and for them, I think, they ſpeak out of zeal for their countries, and not out of ſpleen or malevolent affection, as being parties grieved; and I take it exceeding grateful from them, becauſe it gives us to know, that no reſpect or intereſts had moved them, other than the minds they bear to ſuffer no diminution of our honour, and our ſubjects love unto us; the zeal of which affection, tending to eaſe my people, and knit their hearts unto me, I embrace with a princely care; far above all earthly treaſure I eſteem my peoples love, more than which I deſire not to merit.

" this, mr. Speaker, I pray you deliver unto the houſe, to whom heartily recommend me;—and ſo I commit you all to your beſt fortunes and further councils.—And I pray you, mr. comptroller, mr. ſecretary, and you that are members of my council, that before theſe gentlemen depart into their ſeveral counties, you bring them all to kiſs my hand."

Here the greateſt princeſs that ever ſat upon the Engliſh throne, declares publickly to all the world, that ſhe thinks herſelf exceedingly beholden to ſuch ſubjects who had the honeſt boldneſs to take notice of the mal-adminiſtration of thoſe in authority under her.—She, who was really wiſe, confeſſes herſelf deceived and impoſed upon by ſome of her ſervants, which proves that it was not in the power of flatterers

to

to pervert her mind, and perſuade her ſhe was infallible.

If, for the puniſhment of this nation's ſins, God had given that princeſs a poor underſtanding, and ſhe had been ſerved by a knaviſh miniſtry, it is certain this ſpeech had never been made; theſe evil counſellors would have perſuaded her that it was indolent and ſeditious for any ſubject to cenſure the actions of her favourites and ſervants; that attacking them ſhe ſhould look upon the ſame thing as attacking herſelf; that it was dangerous to give the people a liberty of murmuring; that all meaſures muſt be juſtified let them be what they would, becauſe they were carried on in her name, and by her authority.

Such commonly is the language of evil counſellors, and of their flatterers and dependants; and whenever ſuch abſurd meaſures are taken, as cannot ſtand the teſt, and bear reaſon and enquiry, the man who ventures to deſcant upon the weakneſs and folly of thoſe in power, muſt expect to have the whole herd of ſycophants open upon him.

LETTER XIII.

[From the time that lord Bute was placed, or rather placed himſelf, at the head of the miniſtry, it was the opinion of every one that there would ſoon be a peace. The language held at Verſailles was, "that the Engliſh miniſtry *muſt* make "peace, or theycould not ſtand." Lord Bute himſelf ſaid, before the negociation was openly ſet on foot, "that he thought he ſaw through a peace."

Many circumſtances might be brought to prove that the Engliſh miniſtry were determined upon a peace; perhaps *any* peace, ſuch as they could get. And in order to prepare the minds of the people for peace, ſeveral pamphlets were publiſhed, beſides letters in the news-papers: the moſt remarkable of the latter was the following (ſuppoſed to be written by a gentleman belonging to the board of treaſury) which was not only printed in all the papers, but was on the 9th of September delivered in hand bills to all perſons on the Royal Exchange.]

A Letter to a Gentleman in the City.

I AM told that there is a great clamour in the city againſt the peace. The gentlemen of the city are very much in the right to clamour againſt any thing they think wrong; but they may poſſibly be miſtaken in their opinion. I dare ſay, they don't pretend to infallibility, and will hear with patience any man, whoſe ſentiments differ from their's. Altho' politicians have ſhort memories, yet I take it for granted, that every body who talks of public affairs, remembers the beginning and origin of the preſent war. Great-Britain entered into a war with France, to put a ſtop to the encroachments of that nation in North America; and the weſtern world, as it was the ſole cauſe, ſo it was at firſt allowed to be the primary object of the war. How we came to change both the object and the threatre of the war, I will not take upon me to determine: 'tis ſufficient for my purpoſe to obſerve, that after the war has endured for ſeveral years, upon a plan of expence unheard of, and even incredible;

credible; a plan propoſed, not for continuance, but merely for one vigorous effort:—yet the ſtate of the German war remains nearly the ſame, and we have, notwithſtanding our repeated victories, a wolf by the ears.

I acknowledge, with pleaſure, that we have prevailed in every other quarter of the world: Our enemies, ſufficiently ſenſible of this, ſue for peace, and offer conditions, which the miniſtry have ſo far approved of as to agree to treat upon them. What theſe conditions are, is not yet made known to the public; but the adminiſtration have declared, that the terms now offered are much more favourable to Britain than thoſe that were the foundation of the treaty laſt war. As I write not to juſtify or defend the miniſters, I write without any particular information, and think myſelf not the leſs fit to expreſs the ſenſe of an honeſt man, warm with love to his country, and zealous, at this great criſis, for her intereſt, which faction and folly combine to hurt.

I take for granted, that the peace now offered by France and Spain united, is in many reſpects better, and in no reſpect worſe, than the peace which was ſo near being concluded laſt year, when we had no enemy but France to contend with. And is not this general outline highly ſatisfactory, till more is known? Is Spain nothing in the adverſe ſcale? Is the defence of Portugal no addition to the burden of the war? If I ſhould adventure to gueſs at the terms, and enumerate upon report (and many people clamour upon no better authority) the particular advantages of the peace, I ſhould be at a loſs to know what the

enemies of peace really think advantageous to this country: For their opinion, or at leaſt their language, is totally changed.

North America, that mighty empire, which we ſo lately eſteemed as the baſis of our trade and greatneſs, is now undervalued and deſpiſed.

Cape Breton, conquered at a great expence, and extolled in the addreſſes of a former day, as a conqueſt ſo advantageous to us, and ſo pernicious to our enemies, hath loſt all its conſequence.

Senegal, the firſt place taken from the enemy during a late adminiſtration, whoſe importance we heard ſo much of at that time, is now depreciated as an uſeleſs, burdenſome poſſeſſion: In ſhort, every thing that it is ſuppoſed we are to keep at the peace, whether in Europe, Aſia, Africa, and America, is diminiſhed to nothing; and every thing that it is imagined we are to reſtore, is magnified without meaſure.

Is this the voice of truth, or is it the language of prejudice and error? Thoſe who maintain, that we ought to keep all that we have conquered, muſt certainly believe that France is totally ruined, and unable to ſupport even a languiſhing and defenſive war: But is there any reaſon to believe that France is reduced ſo low as to ſurrender at diſcretion? to give up every thing but France itſelf? to give up its exiſtence as a trading ſtate and maritime power? How often have we been deceived in our ideas of the weakneſs of France? and ſhall we, upon a precarious, nay an improbable ſuppoſition, run on in a career that muſt prove fatal to ourſelves? Like Pyrrhus

we

we may be undone by our victories; or like Gaſton de Foix we may purſue a vanquiſhed enemy, till we alſo fall in the field.

I do not take upon me to ſay, that it is impoſſible to raiſe even the immenſe ſums required for another year: but I affirm, and call upon the enemies of peace to contradict me, that there is no certainty, no likelihood of compelling France to ſubmit to terms better for us than thoſe now offered, by another campaign, and another after that: and what will be the condition of this country, if the preſent enormous expence continues? France already feels its full diſtreſs; ours is not yet come: if the war continues, our diſtreſs is near at hand.

France ſupports the expence of this war by an immediate and cruel taxation; we borrow immenſe ſums, the burden of which we ſhall feel hereafter. Already the want of men and money is complained of in every county of this kingdom, Middleſex excepted. As the capital derives peculiar advantages from the war, is it not reaſonable to ſuppoſe, that there are individuals who exclaim againſt a peace, from motives very different from love to their country? the partizans of former miniſters conſpire with the ſelfiſh and the intereſted, to diſtreſs the preſent miniſtry by oppoſing a peace, which however ſalutary to the public, would put an end to the gains of inſatiable avarice, and cut off the hopes of criminal ambition: nay, a foreign Prince, who owes ſo much to the bounty of this generous nation, pretends to be enraged that Great Britain preſumes to take care of itſelf; and his inſolent emiſſaries join in the cry againſt a miniſtry

who

who are ſo ſingular in their politics, as to prefer the intereſt of Britain to that of Germany. This is the firſt miniſtry that ever did ſo; and ſhall they be rewarded with reproach and defamation, for doing what has been ſo long paſſionately wiſhed for, and yet deſpaired of? is it poſſible to imagine, that the people of Great Britain can be deluded to ſuch a degree as to murmur againſt their ſovereign, for having a Britiſh heart, and preferring the proſperity of his native country, to the intereſt and paſſions of a foreign prince?

A political writer of the firſt claſs has bequeathed to the world an obſervation, that I hope will be verified by the conduct of Engliſhmen upon this great occaſion. 'There are,' ſays he, 'in every nation (whoſe conſtitution is not 'ruined) a number of perſons who love their 'country. Their voice, in the beginning of 'troubles is not heard: it is ſuppreſſed by the 'clamour of the multitude; but this voice 'grows louder and louder, and becomes uppermoſt at laſt, or the ſtate is undone.'

I have ſuch confidence in the general candour and good ſenſe of my countrymen, as to be firmly perſuaded that the voice of truth and reaſon will ſoon be uppermoſt in Britain; that the people, though neceſſarily liable to deluſion, will open their eyes, and judge fairly for themſelves; and they will then applaud that miniſtry whoſe firmneſs and integrity, in ſpite of oppoſition, concluded a peace which ſecured to this nation immenſe acquiſitions, and terminated the moſt expenſive and hazardous war we were ever engaged in, with dignity and with glory.

Wandſworth, Sept. 5, 1762. LET-

[To this letter, which was diſperſed with the moſt uncommon induſtry, ſeveral anſwers appeared; but the beſt and moſt remarkable was the following]

LETTER XIV.

WE are told by the letter-writer at Wandſworth, what has been ſince repeated by the Auditor, that "the peace now offered by "France and Spain united, is in many reſpects "better, and in no reſpect worſe, than the peace "which was ſo near being concluded laſt year, "when we had no enemy but France to contend "with." I ſhould be glad to know, from one of theſe gentlemen, (ſuppoſe the Auditor, for he is a weekly writer, and probably the beſt inſtructed) what is meant here by the word better? Does it not mean ſimply, that more is to be given up to us by theſe preliminaries, than what was to have been yielded to us laſt year? or has it a fair and comparative relation to the circumſtances of the war, as it ſtood then, and as it ſtands now? and that, as the *uti poſſidetis* was to be the baſis of the peace at that time, ſo the preſent *uti poſſidetis* is to be the foundation of the preſent peace. If the laſt be the true meaning of this paragraph, and if this overture of peace be not to take place till the fate of the Havannah be determined, (as was the caſe laſt year with reſpect to Belleiſle) every true Engliſhman will bleſs the inſtruments of ſo happy and honourable an event: and indeed, if theſe writers have any authority for what they ſay, this laſt can be the only true and genuine meaning: for, France and Spain united, and, no enemy but France to contend with,

with, argue a compariſon between our ſituation laſt year, and our preſent ſituation; and it would imply the meaneſt prevarication, partially to compare one circumſtance of the war, and to drop the compariſon in every other circumſtance. If, to the misfortune of Britain, the firſt interpretation is the true one, I ſay, we may have the offer of a better peace than what was near being concluded laſt year, and yet the acceptance of ſuch a peace may be now highly diſhonourable and injurious to this nation. To exemplify this truth, nothing more is needful than to purſue the comparative ſtate of the war, ſo artificially introduced in one point of light only, and ſo ſilently paſſed over in every other point;—let us candidly view it in every point of light.

Since the laſt year we have incurred an additional debt of twelve millions, a war with Spain, and the loſs of Newfoundland.—On the other hand, we have gained Martinico, and all the adjacent iſlands; the Havannah, with twelve ſhips of the enemy's line of battle, and an immence treaſure, are moſt probably in our poſſeſſion; Portugal, which employs ſeventy or eighty thouſand of the enemy's forces, is now in our alliance; our brave ally, the king of Pruſſia, who was beſet by foes on every ſide, has emerged from his diſtreſſes, having ſcarcely more than one power to contend with, over which he has a manifeſt aſcendency; the French, who threatened Hanover from the banks of the Weſer, are now fled to the Mayne, after leaving ſome garriſons in Heſſe, which in all human likelihood will be ſoon reduced; and that country which, if I miſtake not, was valued againſt Gaudalupe and its dependencies

pendencies in the laſt preliminaries, will now be reſumed without the ranſom of ſo precious an exchange. To compare then our preſent ſituation with what it was laſt year, we have to conſider, what we have gained, and what we have loſt.

We have gained,	We have loſt,
Martinico, the Grenadillos, St. Lucia, Dominica, St. Vincent: an equivalent for Guadalupe and Marigalante: and moſt probably the Havannah.	St. John's in Newfoundland: which was taken by the enemy with two ſhips of the line of battle, and a few ſoldiers.

This fair repreſentation of facts muſt convince every one, without further comment, that we have a right to inſiſt on much better terms of peace, than we could preſume to think of in the laſt year's preliminaries, though the loſs of St. John's may juſtify a leſs advantageous peace than might otherwiſe reaſonably have been expected.--After all, we may comfort ourſelves with the aſſurance of an excellent peace, on the footing of each power retaining what it has conquered, though a very valuable conqueſt on our part ſhould be ſet off againſt this acquiſition of the enemy.—With regard to our increaſed debt, we ought to conſider that great advantages cannot be obtained without great expence; it would be as vain to imagine it, as to expect great victories without bloodſhed; if we complain in victory, what muſt be the lamentations of the vanquiſhed? and if our conqueſts have coſt us dearly, we have the more right to demand the

fruits

fruits of them.—As to our war with Spain, this year's experience has ſhewn how little cauſe we had to fear the enmity of the Spaniards, and how much reaſon they had to dread ours: for, provided the Havannah be taken, they will ſoon feel inevitable ruin on themſelves, while they ſought to avert it from the French; and ſince our conqueſts this year have exceeded the conqueſts of any former year, it appears, that France and Spain united are not near ſo ſtrong as France alone was at the commencement of the war: why then ſhould we quit any of our pretentions to what we have conquered? Why not demand the ſame kind of terms, *viz.* the retention of our conqueſts as would have been the caſe had the treaty laſt year taken place. That treaty went off: the the laſt hope of France was in Spain: Spain unites herſelf with France, and has ſhewn how light ſhe is in the ſcale againſt us. Beaten as the French are, out of all their hopes, as well as out of the field, ſhall we give them back all their iſlands, and all their commerce, that they may be enabled once more to diſpute with us the ſovereignty of the ſeas? Is it beſt to raiſe an implacable enemy from the duſt, and give him time to breathe, till he can renew the aſſault when he finds it moſt for his advantage? or to take proper meaſures to impair his ſtrength, ſince we cannot eradicate his malice? In ſhort, ſhall we be generous enough to conſult the intereſt of France, and forego our own? for that may be the caſe in the preſent poſture of our affairs, though the preſent treaty compared litterally with the former, may be in many reſpects better; though the former, at that time, might not deſerve

ſerve blame. For by the ſame rule that a peace, on equal terms, would have been a good one two years after the commencement of the war, when we had loſt Minorca and been beaten in America, yet if the ſame ſort of terms had been adopted laſt year as a plan of pacification, though mingled up with ſomething that would have made it in many reſpects better, and in no reſpect worſe, all the world would have decried ſuch an infamous peace; ſo the peace which was near being concluded laſt year, might not then have been diſguſtful, yet, without conſiderable additional ceſſions by the enemy, it may now become very unpalatable, and be held in abomination, even if it ſhould be ſweetened over with ſomething better.—Every one knows that our enemies would give up nothing that formerly belonged to them through the mere deſire of peace; it is neceſſity that drives them to any conceſſions, and the ſame neceſſity will compel them to accept ſuch conditions as our conqueſts enable us to impoſe.

They will certainly renew their claims when they think themſelves ſtrong enough, whether we keep the whole, or a part only of what we have poſſeſſed ourſelves by dint of arms; and they will ſoon forget our bounty in reſtoring a part, whilſt they will remember the injury done them in retaining any thing. Can there be a doubt, therefore, whether we ought to inſiſt on the retention of the whole? there is a double policy in it, we ſtrengthen ourſelves and weaken the foe. If the enemy comply, we have nothing to fear from them for many years to come; if they reject the terms when can there be ſo fit a time to proſecute

the war, as when the enemy cannot effectually reſiſt us either by ſea or land? I have argued thus far on a ſuppoſition that this aſſertion of a better peace came from authority. Who tells us ſo? why, an anonymous letter writer, and a common weekly advocate for miniſterial meaſures. This is poor authority indeed.—But, beſides the futility of ſuch teſtimony, we ought to be peculiarly on our guard at preſent, how we truſt to any pretended authority: till lately, I thought the Gazette a very good authority; but I dare ſay the miniſtry will not allow it to be authority; for juſt before our rupture with Spain, the Gazette told us, we were on the moſt friendly and loving terms with Spain, and the very next Gazette informed us, that we were underſtood by that court to have made a formal declaration of war, by aſking a queſtion, which in ſubſtance amounted only to this, *Whether Spain was reſolved to be at war with us, or no?* The miniſtry knew full well on what tickliſh ground we ſtood with that court, and had inſtructed our ambaſſador to dreſs up, in the moſt tender and delicate terms, the queſtion they found themſelves under the neceſſity to put; which queſtion mr. Wall pronounced to be an inſult on his king, and to amount to a formal declaration of war.—Yet the Gazette had told us, over and over again, that we were on the moſt amicable footing with that court; therefore the miniſtry will deny the Gazette to be authority; for certainly they would not lend the ſanction of their names to accounts which they know to be falſe; though, ſuch ſpecious reports from ſuch fancied authority, might ſerve for a time to caſt an obloquy on the

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man they feared and hated: what ſort of credit then, will any other man give to miniſterial apologiſers, and panegeriſts?

It is much to be lamented, that this queſtion which the Spaniard deemed a declaration of war, had not been put ſooner in a leſs humble and ſubmiſſive ſtrain, as our patriot miniſter adviſed; if we had received the ſame anſwer, which is a doubt, the Havannah had been our's long ago, without a doubt, and without offering up ſo many brave men as victims to an ill timed attempt, and an unwholſome ſeaſon; and if another noble enterprize, as was propoſed, had been ſet on foot at that juncture, the Spaniards in all probability had ſued for peace in a much ſhorter time from the opening of the war, than from the commencement of it they had meditated war.—But the wiſdom and foreſight of this great man was treated as temerity, and the generous ardor he breathed for his country's glory, ſerved only to make him repreſented as the incendiary of Europe.

Before I finiſh this letter, I cannot help obſerving, that not a word is ſaid in the pretended preliminaries about diſſolving the union between France and Spain; this makes me well aſſured, that the pretended preliminaries are altogether fictitious, for a diſſolution of this union is the moſt neceſſary article of the treaty; the baſis, without which no miniſter will preſume to hearken to a peace, conſcious as we are, that ſuch an union ſubſiſts between France and Spain: a treaty that does not include a formal renunciation of that union on their part, would be equal to a formal guarantee of it on our part;

in its inevitable tendency it would amount to a total prohibition of any lucrative commerce with Spain in times of peace; and on any future rupture with either power it would bring both upon us, when they will be freſh and vigorous, inſtead of being worn out, as they now are, and fainting under the weight of our victorious arms.

N. B. Leſt the miniſtry ſhould plume themſelves too much on the preſent glorious poſture of our affairs, and aſcribe the merit of it to themſelves, be it remembered that it was another perſon who then happily had the guidance of our military and naval operations, that planned the conqueſt of Martinico.—That the ſame perſon propoſed an attempt on the Havannah, in caſe of a rupture with Spain, at a proper time and ſeaſon, when ſuch an attempt muſt have ſucceeded.—That our ſucceſs in Germany muſt be atributed to happy contingencies, and not to any peculiar aſſiſtance and encouragement given to that department of the war.

Sept. 22, 1762.

LETTER XV.

QUERIES.

If trees are to be judged of by their fruit, have we reaſon to rejoice or lament at the change of our miniſtry?

Are our enemies pleaſed or diſconcerted by this change?

Could any meaſure alarm our enemies ſo much as the reſtoration of mr. Pitt? Let the miniſtry themſelves anſwer this interrogatory, and then act the part of true patriots?

Would

Would any meaſure give ſo much confidence and ſatisfaction to the nation in general as the reſtoration of mr. Pitt?—Let the miniſtry themſelves anſwer this likewiſe, and then act the part of true friends?

Did mr. Pitt's miniſtry create harmony or confuſion in the king's council?

Does the preſent miniſtry occaſion union or diſcord in the nation?

If a peace be now in agitation, while the Spaniſh Weſt-Indies lies open to our fleets, do the miniſtry conclude it for the ſake of the nation or of themſelves?

If a peace is now in agitation, was England ever in a more critical condition?

If a peace is now in agitation, had the kingdom ever greater occaſion for a miniſtry of experience, and in whom ſhe could confide?

Does the preſent miniſtry conſiſt of ſuch individuals, as on account of their abilities, their diſintereſtedneſs, their experience, their ſagacity, and their popularity, the nation can and does confide in?

LETTER XVI.

Bath, Oct. 17, 1762.

I AM an old man, confined by my infirmities to this city; but in ſpite of my age, and in the midſt of my perſonal ſufferings, I feel ſome ſhare of that curioſity ſo univerſally prevalent at this criſis; and no ſmall degree of that ſolicitude, which no Briton can reſign but with his lateſt breath, that our public affairs ſhould be conducted in a manner ſuitable to the former, and to the preſent dignity of this nation.

I confeſs I am ſomewhat alarmed with reports concerning the terms of the peace, which is now negociating: they are indeed of a nature extremely alarming; and they are authoriſed by ſuch perſons, and in ſuch a manner as would have obliged me to an acquieſcence in their truth, were I not very unwilling to give credit to that, which muſt have made me unhappy, if I had believed it. However, whilſt reports of this nature prevail about a matter of ſuch importance, it is very difficult for an honeſt man to remain, at the ſame time, in doubt and quiet. You will, therefore, oblige me, and ſeveral others, who are in equal anxiety, if you can prevail on any of your well meaning, and well informed correſpondents, to return a ſatisfactory anſwer to the following plain queries.

Q. 1. Is the preſent negociation ſuppoſed to be carried on upon the ſame baſis as the laſt; that is, the baſis of *uti poſſidetis*, and *ſtatu quo?* If the foundation is different, what is the reaſon of this change?

2. Had not France many advantages at the time of the late negociation, which ſhe has not at preſent; and have we not many advantages at preſent which we had not at the time of the late negotiation?

3. Did not the *uti poſſidetis* of France comprehend at that time the Landgraviate of Heſſe, Munden, and the town of Gottingen in the electorate of Hanover? Does it now contain any more than the ſingle town of Caſſel, and that beſieged? And has France any thing at preſent, to exchange, but that town and the iſle of Minorca?

4. What

4. What was the condition of our ally, the king of Pruſſia, at that time, and what is it now? Was he not then attacked by the whole force of the mighty empire of Ruſſia, and by Sweden? Is he not now free from both; and is not his condition, on the whole, flouriſhing and proſperous?

5. Is not the actual poſſeſſion of the Havannah, twelve capital ſhips taken, three deſtroyed, four millions value in plunder, and all the rich poſſeſſions of the Spaniſh monopoly in the new world, laid open to us, a balance againſt the ſucceſſes of the Spaniards on the frontiers of Portugal?

6. Have we not, ſince the rupture of the late negotiation, made ourſelves maſters of Martinico and all the reſt of the French Caribbee Iſlands?

7. Is not therefore our ſituation, on the whole infinitely more advantageous now, than it was at that period? Are not our allies in a better condition? Are not both France and Spain more depreſſed? Are not, at the ſame time, our expences much encreaſed; and have we not from all theſe circumſtances united, a right to expect much more advantageous terms of peace from this, than from the laſt negociation?

8. Can it then be true, that all (or at leaſt all which are any ways conſiderable) of our conqueſts in the Weſt Indies are to be ceded to France? If they are to be ſo ceded, what is the ſuppoſed equivalent to be paid for them by our proud and inſidious enemy out of her *uti poſſidetis?* Is Minorca a ſufficient compenſation for the fiſhery, worth a million annually, and all

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the French Caribbees worth probably two millions more?

9. If ſome of our conqueſts are ceded *gratis*, to oblige France, *merely from a principle of moderation, and without any equivalent*, is it not reaſonable that we ſhould retain ſomething of *real value*, as an indemnification for an expence of ſeventy millions; and that we ſhould amidſt all this wonderful moderation in our conduct, diſcover ſome ſmall degree of attention to our intereſt?

10. Would not the retaining of either Martinico or Guadalupe be a great acquiſition to England? and would not the ſurrender of either of them, ſeparately, be a great conceſſion to France?

11. Is it poſſible that, beſides the reſtitution of the great French iſlands, it is the idea to ſurrender alſo our own moſt important iſland of St. Lucia, which we always had by right, and which we have now by conqueſt; and what equivalent do we propoſe to receive for this additional and moſt extraordinary conceſſion?

12. If we are to retain nothing, or only ſome inconſiderable ſpots, for what end did we waſte our blood and treaſure in Weſt India conqueſts, as in the laſt negociation France offered us all we could deſire, and more than we ever did deſire, in North America, *ſolely for a ſhare in the Newfoundland fiſhery*; and were not theſe North American acquiſitions overpaid by the ceſſion of that fiſhery?

13. Did not our North American territories, on the plan propoſed in the laſt negotiation, extend from 30 degrees, north latitude, on the

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ſea ſhore; and in the inland parts, from 36 degrees to the North Pole; that is, from North to South, on the coaſt, above 4000 *Engliſh miles*; and in the inland, 3500 *and upwards*; and did they not alſo extend (if we could travel as far as they extended) from Eaſt to Weſt, at leaſt 2000 more? and could the French miniſter after this keep his countenance, if we ſuffered ourſelves to be diverted by the romantic deſire of adding foreſt to foreſt, on that wild continent, from any ſerious commercial acquiſition?

14. In what are we the richer by all our victories, or the French the poorer by all their loſſes, if neither of the capital Weſt Indian conqueſts are to be retained? What is the particular value of our other acquiſitions? Is it enough for a victorious nation to take up with mere ſecurity?

15. What are the *criterions* of a bad peace in *our ſituation*, if that be not a bad peace by which *nothing certain* is added to our revenues, and a great certain expence is incurred?

LETTER XVII.

AS an expreſs is arrived from Paris before the French courier left Madrid, and by conſequence does not bring with it, Spain's conſent to the preliminary articles, it will not be diſagreeable to the public to be informed, what was the purport of mr. O'Dunne's private commiſſion to the court of Spain. The end of the public commiſſion was ſuppoſed to be, to bring them into the preſent treaty; that of the private one will be more known, by peruſing the following intercepted letter.

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Verſailles, Auguſt, 7, 1762.

DEAR COUSIN,

" In my laſt I gave you an account of my proceedings with the B—h C—t, and of their diſpoſition to make peace. I have taken advantage of this pacific humour; and fearing leſt Pitt ſhould again have the management of the Britiſh affairs, I have hurried on things to a concluſion. Indeed, I found the miniſtry uncommonly inclined thereto, and therefore inſiſted on ſome articles which I ſhould not otherwiſe have done. It was a *venture*, but *all* has ſucceeded to my utmoſt wiſhes.

" You are ſenſible that I would never accept of any conditions, wherein *you*, my beloved couſin, are not included. I have promiſed your concurrence to the incloſed agreed on terms of pacification. It is true you muſt, for the preſent, give up all thoughts of Portugal; at leaſt till I am reinſtated. Then Portugal may ſerve us as a ſecond *Germany*, in our future conteſts with the Engliſh; and you may depend on my aſſiſtance, as an auxiliary, to enable you to make an eaſy conqueſt of that kingdom.

" Want of ſailors has done us great detriment in the proſecution of this war, and till I get back my 40,000 men, we cannot expect to do much at ſea, therefore it is abſolutely neceſſary for *me* to make peace; for one experienced ſailor is worth ten landmen in navigating a ſhip. Beſides, by recovering my American colonies, and retaining the right of fiſhery on the banks of Newfoundland, I recover likewiſe my nurſery for ſeamen. I am determined, (*coute qui coute*) coſt what it will, to put my fleet on a reſpectable footing.

footing. Already I have a great number of ſhips upon the ſtocks, and more are preparing.

"The Engliſh, are ſo fond of peace, that they will not dare to annoy us through fear of kindling a new war, which however they muſt come to at laſt: they will then have the trouble of attempting the conqueſt of Martinico, Gaudalupe, &c. but I expect to have it in my power at that time to carry on the war offenſively, and keep them well employed in defending their ſouthern colonies in North America.

"I give you theſe hints to ſhew you it is for our mutual advantage to conclude a peace now. We loſe very little; and even that little I am in hopes we ſhall ſoon regain. I mean when we have recovered our ſtrength, then we ſhall eaſily fall upon the Engliſh with redoubled fury. If we carry on the war *now* it muſt be to a diſadvantage; therefore at all events, we muſt conclude a peace for the preſent. Treaties are no longer binding to us princes, than as they are convenient to us, or conſiſtent with the welfare and honour of our kingdoms. Your's, &c.

LEWIS."

LETTER XVIII

MY voice is ſtill for war, Sempronius cries;
War, glorious war the public voice replies:
To whom, a muckle wight cries "hoot ye geeſe,
"Ah hau'd yur cackling;—pri'thee let's ha' *peece.*"

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LETTER XIX.

[The altercation, which paſſed in the newspapers on the merits and demerits of the peace, would alone nearly fill one of theſe volumes; yet few, if any of the letters, are worth preſervation: moſt, if not all, the arguments advanced by either party, have been made uſe of in pamphlets, and retailed ſo many different ways, that there is ſcarce a perſon who is not poſſeſſed of them. In the review of lord Bute's adminiſtration, the whole is ſummed up in a very clear and conciſe manner, and rendered further intelligible by the motives which induced the miniſtry to make peace on ſuch conditions; and the manner in which they deſerted, or rather betrayed, the king of Pruſſia. As for the reſt, the four following were the moſt remarkable]

WITHOUT entering into the merits of the peace, I beg leave to offer a few remarks on the deſcriptive part of ſome of the articles.

Article V. The French are "to fiſh in the gulph of St. Laurence, on condition that the ſubjects of France do not exerciſe the ſaid fiſhery, but at the diſtance of three leagues from all the coaſts belonging to Great Britain, as well thoſe of the continent, as thoſe of the iſlands ſituated in the ſaid gulph of St. Laurence."

Do not theſe words ſeem to imply, that ſome of the coaſts of the gulph of St. Laurenee do not belong to Great Britain? may not the French have the Eſkimaux coaſt in view which may eaſily be denied, either to have been ours before the peace, or to be among the "dependencies of Canada," which are to be ceded to us, accord-

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ding to the third article of the peace? ought not then the words "belonging to Great Britain" to be omitted? or rather, ſhould not France renounce any claim to New Britain or Labrador, including Eſkimaux, and all the coaſt, with the iſles adjacent, from Hudſon's Straits to Canada?

What uſe the northern or Eſkimaux coaſt of the gulph of St. Laurence may be of to France, or annoyance to us, this is not the place to enquire.

Article VII. The Miſſiſippi is made the boundary between "the Britiſh and French territories on the continent of America."

It may poſſibly be doubted, whether ſome expreſſions in this article may not endanger our claim to New Albion or California, which, in ſeveral caſes that might be ſtated, would be a matter of very great conſequence to us. But, to be candid, I muſt own, that the wording in this part ſeems to be judicious enough, eſpecially as new Mexico intervenes between Louiſiana and new Albion. However, it may deſerve the conſideration of better judges.

Article IX. The French king cedes "Grenada and the Grenadines."

How does it appear that Bequia is included in the term Grenadines? Books and maps place it between the Grenadines or Grenadilloes and St. Vincent. It is true, it is of little value, being ſaid to want freſh water: but, as it has a ſafe harbour, and rain water might be ſaved, as at Antigua, a battery or two, would turn it into ſuch a neſt of privateers as would much annoy Tobago, St. Vin-

cent, and Grenada (which it may be hoped will be put into an uſeful and flouriſhing condition) and do no ſmall damage to Barbadoes itſelf. Ought it not therefore to be expreſsly named?

Article XI. "His moſt chriſtian majeſty engages not to erect any fortifications, or to keep any troops in Bengal."

It is hoped that the French company are to be bound hereby, as well as their king. Would it be amiſs to name them?

Article XVII. The Engliſh fortifications are to be deſtroyed "in the bay of Honduras, and other places of the territory of Spain," and then we are to cut logwood unmoleſted.

Not a word of the bay of Campeachy; if I miſtake not, the Spaniards have poſſeſſed themſelves of our antient ſettlements there, and it does not appear that we are to cut logwood in any other places but where we now do. Is it not to be wiſhed that limits were fixed? And ſince we do not intend to renounce the bay of Campeachy, would it not have been proper to mention it.

Article XIX. The Spaniſh king cedes and guaranties a large country "on the continent of north America."

The Southern part of Florida conſiſting of many iſlands, and there being others on its coaſts, as theſe are no part of "the continent," ought not the woods "with the adjacent iſles" to be added, to prevent diſputes?

LET-

LETTER XX.

NOtwithſtanding what Moliere, a grave and ſententious French author, aſſerts, that people of condition know every thing, without learning any thing; I am apt to think, that a certain degree of experience, a certain rontine of buſineſs, can do no harm at leaſt, if it does no good, towards forming a miniſter of ſtate. I muſt own, however, that our preſent miniſters (I ſpeak it *honoris gratia*) ſeem to be an exception to this rule, and to confirm the aſſertion of Moliere, that people of quality know every thing, without having ever learned any thing: ſuperior and eminent parts will often ſupply the want of experience and knowledge. For inſtance: what a glorious peace have our miniſters made with France and Spain, after a ſucceſsful and glorious war! No wonder that any of them ſhould deſire the advantages and the date of it, for the inſcription upon their tomb-ſtones*: and yet not one ſingle miniſter, nor all of them put together, has ever had the leaſt experience, the leaſt rontine in that particular department of buſineſs. But peace ſtarted out of their heads, with its olive branch in its hand, as Pallas ſtarted out of Jove's, armed cap-a-pee.

They

* Alluding to a remarkable wiſh of lord Bute's, on the day the preliminaries of peace were debated in parliament; when he deſired no greater encomium, than to have engraved on his tomb-ſtone, "here lies John earl of "Bute, who *adviſed* his majeſty to make the "peace in 1762."

They had never been in buſineſs before; and, I am apt to believe, no one of them ever employed his time ſo ill as to read any treaty; and yet they have at once, *proprio marte*, and by dint of ſuperior parts only, concluded the moſt advantageous peace that ever this nation made. I am well aware of what the factious and malignant oppugners of this treaty will ſay; they will ſay, that by it we reſtore all our our conqueſts gratis, that the few ſtipulations which are in our favour, are looſely and inaccurately drawn, and liable to evaſion; that, by an unpardonable ignorance of dates, we have given up Madraſs to the French; with many other objections, equally frivolous: to all which I ſhall anſwer in a very few words: as to having ceded all our conqueſts gratis, I own I am heartily glad of it. What ſhould we have done with them? Has not the whole nation long complained and clamoured at the expence and burthen of our foreign dominions in Germany, which are near at hand; and ſhould we, though we acquired, have retained many more at ſo prodigious a diſtance as in Africa, America, and Aſia? No ſurely. Our miniſters were wiſer than that, and very dextrouſly ſhook off thoſe burthens from our ſhoulders, and ſaddled France with them. And it is very reaſonable to believe that in time, with the aſſiſtance of the French, we ſhall be eaſed of our antient burthens, of Jamaica, Barbadoes, the Leeward Iſland, &c. As to the blunder which the factious accuſe our miniſters of, in the date of the article relative to the Eaſt Indies, I grant it to be our

in-

advertency, and by that it we loſe Madraſs: but what ſignifies that? would they have our miniſters heads, which are ſo full of ſo many and ſo great affairs, be mere chronological tables? God forbid, that they ſhould employ their precious time in ſuch trifles.

TELL TRUTH.

LETTER XXI.

IT appears that the common notion of an increaſe of our commerce during the war, did not ariſe from an increaſe of our tonnage and exports, but from a greater demand than uſual of manufactures from a reduced number of hands. Our tonnage, as laid before the Houſe of Commons in December 1762, was as follows.

From 1749 to 1754:

Britiſh tonnage Outwards —	672,641
Ditto Inwards ———	500,818
Foreign ditto Outwards, —	151,115
Ditto Inwards ——	65,437

For 6 years ſince, from 1754 to 1760 incluſive:

Britiſh tonnage Inwards —	408,259
Ditto Outwards, — —	466,438
Foreign ditto Outwards —	108,884
Ditto Inwards — —	46,960

By this account the decreaſe of our tonnage is evident.

From 1749 to 1754:	£.	s.	d.
Exports — —	61,210,377	8	3
Imports — —	33,279,348	5	7
Expts. exceed the Impts.	27,931,029	2	8

Annual medium of Expts.	10,201,729	11	4
Ditto of Imports —	5,546,558	0	11
Expts. exceed the Impts.	4,655,171	10	5

For the ſix years ſince 1754:

Exports ——	55,101,920	10	9
Imports ——	33,973,776	8	10
Expts. exceed the Impts.	21,128,144	1	11

Annual medium of Expts.	9,183,653	8	5
Ditto of Imports ——	5,662,296	1	5
Expts. exceed the Impts.	3,521,357	6	11

In this value of Exports and Imports thoſe to and from the colonies are not included.

When Exports exceed the Imports, the balance is made up by bullion; thus, it is evident, we have have loſt above eleven hundred thouſand pounds a year for the laſt ſix years.

The Cuſtom-houſe accounts of the Imports from Guadalupe, laid this ſeſſion (1762) before the Houſe of Commons, are as follow:

	Cwt.	*qrs.*	*lb.*	
In 1759 —	29002	1	8	Brown
1760 —	168133	1	17	Brown
1761 —	204127	3	27	Brown
and in 1761 —	83	3	25	White

Theſe quantities reduced to hogſheads of about 800 weight each, which is about the average of French hogſheads, make

In 1759 — 3625 hhds and fraction
1760 — 21016 ditto
1761 — 25518 ditto

The

The whole import to England (but of which 'tis but too ſtrongly ſurmiſed, part was ſmuggled from Martinico) is for the three years 50159 French hhds, which on an average make 16719 hhds, equal to Engliſh hhds of twelve hundred weight each, 11146.

LETTER XXII.

HOWEVER ſpecious the foregoing calculation may appear at firſt view, it is moſt certainly calculated upon partial principles. And in order to undeceive the public in a caſe of ſo much conſequence, I deſire the following faithful extract of the annual totals of the exports and imports for the laſt twelve years, may be publiſhed; by which it is evident, that, during the courſe of ſix years war, the increaſe of exports is 3,787,501 l. 7 s. 8 d. the imports 1,735,97 l. 2 s. 3 d. But if they are taken for the three laſt years of the war, viz. 1759, 60, 61, when the nation was at its meridian of glory and unanimity at home, inſpired emulation abroad, and commerce every where attended conqueſt! — the difference, compared with the three laſt years of profound peace, 1753, 4, 5, is 6,701,700 l. 11 s. 6 d. — a ballance ſo notorious, that every unprejudiced perſon may judge, whether we were thereby rendered incapable of carrying on the war.

A BRITON.

N. B. The exports and imports for the year 1762 are not brought in, which, it is preſumed, would have been greater than in former years, from the important conqueſts of Martinico and the Havannah, which latter had opened the trade to all the Spaniſh ſettlements in America.

Six

Exports.	1750.	1751.	1752.
1750 to 1755. Six Years Peace.	12,691,246 16 6	12,414,111 17 3	11,694,912 3 5
	1756.	1757.	1758.
1756 to 1761. Six Years War.	11,390,856 3 3	10,982,218 8 3	11,512,997 1 10

1753.

Imports.	1750.	1751.	1752.
1750 to 1755. Six Years Peace.	7,767,826 7 8	7,941,897 16 11	7,889,336 4 3
	1756.	1757.	1758.
1756 to 1761. Six Years War.	7,750,337 4 5	8,200,795 4 3	7,787,471 16 2

1753.	1754.	1755.	Total.
12,243,604 6 11	11,787,828 12 10	11,065,243 7 9	71,896,947 4 8
1759.	1760.	1761.	Total.
13,072,595 16 9	14,166,475 — 9	14,559,306 1 6	75,684,448 12 4

1753.	1754.	1755.	Total.
8,624,370 2 10	8,093,472 15 0	8,772,865 2 10	49,089,768 9 6
1759.	1760.	1761.	Total.
8,481,611 4 4	9,367,199 12 8	9,238,270 9 11	50,825,685 11 9

Exports	1750.	1751.	1752.	1753.

LETTER XXIII.

[The next topics of diſpute were, the exciſe on cyder, lord Bute's reſignation, and the unwarrantable ſeizure of the North Briton; all of which agitating the pulic nearly at one time, and being ſtill ſubjects of diſcuſſion, it is impoſſible to ſeperate them; therefore the remainder of the letters muſt be placed in the order of time as they appeared.]

At a common-council holden in the chamber of the Guildhall of the city of London, on Wedneſday the 23d day of March, 1763.

The repreſentaion of the lord mayor, aldermen, and commons of the city of London, in common-council aſſembled, to the repreſentatives of this city in parliament.

THIS court cannot forbear expreſſing to you their ſurprize, at the precipitate progreſs which has been already made in a new attempt towards a general exciſe.

The extention of exciſe laws into private houſes, whereby the ſubject is made liable to a frequent and arbitrary viſitation of officers, and the judicial determination of commiſſioners, removeable at pleaſure, is inconſiſtent with thoſe principles of liberty which have hitherto diſtinguiſhed this nation from arbitrary governments.

An attack upon the liberty of the ſubject, made ſo immediately after a glorious and ſucceſsful war, and at a time when we had juſt reaſon to expect to enjoy the bleſſings of peace, demands your ſerious attention.

And

And this court doth remark, that whatever may be the neceſſity of the times, the ſmallneſs of the ſum indicates that cannot be the only motive to ſo extraordinary a meaſure.

For theſe reaſons, this court doth moſt earneſtly recommend your conſtant attendance in parliament, and utmoſt endeavours to oppoſe every *enlargement* or *extention* of the powers of exciſe; and that you do not conceal from the public any ſuch attempt, nor ſuffer yourſelves to be amuſed by any plauſible alteration in the bill ſubjecting the makers of cyder and perry to exciſe laws.

[The city of London then petitioned every branch of the legiſlature againſt the exciſe bill paſſing into law; for which ſpirited oppoſition to ſo odious and unconſtitutional a tax the city of Exeter returned their thanks. The members of thoſe counties and towns affected by this exciſe, who voted againſt it, were alſo thanked by their conſtituents, and intreated to perſevere in the ſame patriotic ſentiments, in which they promiſed to exert themſelves; and when they went to their ſeats in the country, they were honoured with every diſtinguiſhed mark of eſteem and reſpect, that could poſſibly be ſhewn: while thoſe, on the contrary, who voted for the exciſe, and in favour of the Scottiſh ſyſtem, were abhorred and deteſted wherever they came, and ſome of them very narrowly eſcaped feeling the reſentment of the country people.]

LET-

LETTER XXIV.

EVERY attempt to *extend*, or, if ſir Francis Wrong-head pleaſes, to *enlarge** the exciſe laws, has at all times been received with ſuch univerſal diſguſt by the body of this free people, that it is exceedingly ſurprizing to find an unpopular miniſtry, ſo totally regardleſs of the leaſt degree of public favour, as unneceſſarily to provoke the whole nation, by an odious attempt farther to ſubject us to the impertinence and intruſion of the petty officers of exciſe. But what is it that ſome men will not attempt, to give ſtability to their ambitious projects? and what is it that the time-ſerving ſpirits of placemen and penſioners will not approve, for the ſake of temporary reward? Let poſterity take care of itſelf, is the univerſal language of men like theſe; but I hope we are not yet reduced ſo low as to lie at their mercy.

Long did I endeavour to inculcate a favourable opinion of the head and heart of a certain great man, but every part of his public conduct is ſo contrary to all our ideas of ſolid capacity and true patriotiſm, that it wanted not this finiſhing ſtroke to prove that he is a very Stuart in principles and practice, as well as in name. God avert the omen! but ſurely that unhappy family, in all its branches, are ever doomed

* Alluding to the unmeaning and ridiculous phraſe of a late chanceller of the exchequer, who ſaid, "he did not mean to *extend*, "but only to *enlarge*, the exciſe laws."

doomed to act contrary to the genius and conſtitution of this country.

O Bute! if thou art indeed, what thou pretendeſt to be, the FRIEND of the greateſt and beſt of Princes, why doſt thou continually ſtrive to render thyſelf more unfit for his ſervice, and to leſſen the reverence, eſteem, and love, with which the heart of every Engliſhman burns towards his king!

March 25 1763. PUBLICUS.

LETTER XXV.

Portrait of JOHN late *earl* GRANVILLE.
By the honourable H. W.

COMMANDING beauty, ſmooth'd by chearful grace,
Sat on the open features of his face;
Bold was his language, rapid, glowing, ſtrong,
And ſcience flow'd ſpontaneous from his tongue.
A genius, ſeizing ſyſtems, ſlighting rules,
And void of gall, with boundleſs ſcorn of fools.
Ambition dealt her flambeau to his hand,
And Bacchus ſprinkled fuel on the brand.
His wiſh—to counſel monarchs or controul;
His means—th' impetuous ardour of his ſoul:
For, while his views outſtript a mortal's ſpan,
Nor prudence drew, nor craft purſu'd the plan.
Swift fell the ſcaffold of his airy pride,
But, ſlightly built, diffuſed no ruin wide,
Unhurt, undaunted, undiſturb'd he fell,
Cou'd laugh the ſame, and the ſame ſtories tell:
And more a ſage than he, who bade await
His revels, till his conqueſts were compleat.
Our jovial ſtateſman either ſail unfurl'd,
And drank his bottle tho' he miſs'd the world!

LETTER XXVI.

An Account of all the Public Debts ſtanding out the 5th Day of January, 1763 (being Old Chriſtmas Day) with the Annual Intereſt or other Charges payable for the ſame.

	Principle.	Intereſt and Charge, &c.
EXCHEQUER.		
Annuities for long Terms, being the Remainder of the Original Sum contributed, and unſubſcribed to the South-Sea Company	1836275 17 10¾	136453 12 8
Ditto for Lives, within the Benefit of Survivorſhip, being the original Sum contributed	108100 — —	7567 — —
Ditto for two and three Lives, being the Sum remaining, after what is fallen in by deaths	75505 14 10¾	2155 12 —
Exchequer Bills made out for Intereſt of old Bills	2200 — —	
Note, the Land Taxes and Duties on Malt being Annual Grants, are not charged in this Account, nor the £1000000 charged on the Deduction of 6*d.* per £. on Penſions; nor the £1500000 towards paying off the Navy Debt, Anno. 1762, nor the Sum of £1000000 charged on the Supplies 1763		
EAST-INDIA Company.		
By two acts of Parliament 9 William III. Regis, and two Acts 6 and 9 Anno Regni, at 3 per Cent. per Annum	3200000 — —	97285 14 4

Annuities at 3 per Cent. per Ann, Anno 1744, charged on the Surplus of the additional Duties on Low Wines, Spirits and Strong Waters	1000000 — —	30401 15 8
BANK of ENGLAND.		
On their original Fund at 3 per Cent. per Ann. from the 1st Auguſt 1743	3200000	100000 — -
For cancelling Exchequer Bills 3 Georgii I. Regis	500000 — —	15000 — -
Purchaſed of the South-Sea Company	4000000 — —	121898 3 5½
Annuities at 3 per Cent. per Ann. charged on the Surplus of the Funds for Lottery 1714	1250000 — —	37500 — -
Ditto at 3 per Cent. per Ann. charged on the Duties on Coals, ſince Lady-day 1719	1750000 — —	52500 — -
Ditto at 3 per Cent. per. Ann. anno 1746, charged on the Duties on Licences for retailing Spirituous Liquors ſince Lady Day 1746	986800 — —	29604 — -
Ditto at 3 per Cent. per Ann. charged on the Sinking Fund by the Acts 25, 28, 29, 32, et 33 Geo. IIdi Regis	21127821 5 1¼	
Ditto at 3 per Cent. per Ann. charged on the Duties of Offices and Penſions, &c. by the Act 31 Geo. IIdi Regis	500000 0 0	1027588 5 8
Ditto at 3 per Cent. per Ann. charged on the additional Duty on Strong Beer and Ale, by the Act 1 Geo. Tertii Regis	12000000 0 0	

Ditto at 3 per Cent. per Ann. charged on the Sinking Fund by the Act 25 Geo. IIdi Regis	17701323 16 4	540996 14 -	
Ditto at 3 1-half per Cent. per Ann. charged on the said Fund, by the Act 29 Geo. IIdi Regis	1500000 — —	53343 15 -	
Ditto at 3 1-half per Cent. per Ann. charged on the Duties on Offices and Penſions, &c. by the Act 31 Geo. IIdi Regis	4500000 — —	160031 5 0	
Ditto at 4 per Cent. per Ann. charged on the Sinking Fund, by the Acts 2 Geo. Tertii Regis	20240000 — —	820985 — -	
Memorandum, the Subſcribers of £. 100 to the Lottery 1745, were allowed an Annuity for one Life of 9s. a Ticket, which amounted to £. 22500, but is now reduced by Lives fallen in to £. 18354; and the Subſcribers of £. 100 to the Lottery 1746, were allowed an Annuity of one Life of 18s. a Ticket, which amounted to £. 45000, but is now reduced by Lives fallen in to £. 37298 10; and the Subſcribers of £. 100 for 3 per Cent. per Ann. Anno 1757, were allowed an Annuity for one Life of £ 1. 2s. 6d. which amounted £ 33750, but is now reduced, by Lives fallen in to the Sum of £. 32585 17s 6d. and the Subſcribers of £. 100 for 3 per Cent. Annuities, Anno 1761,		339979 7 9	

fallen in to the Sum of £. 32585 17s. and [illegible]
bers of £. 100 for 3 per Cent. Annuities, Anno 1761,

were allowed an Annuity of 99 Years of £. 1 2s. 6d. amounting, with the Charges of Management to the Bank of England, to £. 130053 10s. 3d. which Annuities are an Increaſe of the annual Intereſt, but cannot be added to the public Debt, as no Money was advanced for the ſame; and the Contributors to £. 12000000, for the Service of the Year 1762, were intitled to an Annuity of £. 1 per Cent. per Ann. to continue for 98 Years, and then to ceaſe, which, with the Charges of Management to the Bank of England, amounts to the Sum of £. 121687 10s.

SOUTH-SEA Company.

On their Capital Stock and Annuities, 9 Geo. I. Regis -	25025309 15 11½	765326 3 1½	
Annuities at 3 per Cent. per Ann. Anno 1751, charged on the Sinking Fund	2100000 — —	64181 5 -	
	102603336 8 2¼	4409797 13 8	

LETTER XXVII.

ON —— day of November, 1759, as we were ſteering due eaſt, in north lat. 52 deg. about eleven in the morning, I perceived a groupe of phantoms gliding ſwiftly along towards Purgatory; and finding, as they approached near to us, that they had ſomething in charge, I hailed them, and enquired what it was; and received for anſwer, it was the ghoſt of ——— ———, eſq; who had been executed that morning. Upon which the ghoſt ſeeming to deſire a parley, and to be communicative, I aſked him what was the reaſon of his leaving his terreſtrial abode in the prime of his life? He anſwered, that in the fleſh he was a man of good family and ſome fortune; that he was heir at law to an eſtate of 1500l. per annum, but that by ſome practices of the — family, the reverſion, after an old lady's death, devolved to that family, except ſome annuities, which were charged thereon for his own, his wife, and ſons lives; that being entruſted with ſome conſiderable landed concerns, and his manner of living threatening a breach in his affairs, he was tempted to avert it for ſome time, by committing an act, for which he had been ſentenced to die; that about an hour before his execution, the perſons who were employed by the family (pretended to be injured) to bring him to juſtice, attended him, and told him that though he had been convicted of an offence for which he was to die, yet if he would declare

clare that the annuities given to his family, were impoſitions and fraudulently obtained, his pardon, which was already ſealed, ſhould be delivered to him, which he readily aſſented to; that the perſon who pretended to fetch the patent, inſtead of bringing it, ordered the cart to the door, and he was carried to the fatal tree!—He was proceeding, but his attendants ſeeming impatient, I ſaid I would not detain them, but that very probably, in our monthly revolution, we ſhould touch their regions, where we would reſume the affair. So away they went; the ghoſt continuing to lament his fate, and often repeated *perjury*, *forgery*, *adultery*, *bribery*, *treachery*; Oh, my poor wife! Oh my poor ſon! Oh! Oh!—And the laſt words I heard were, "O ye Gods, bring down ſpeedy vengeance upon my betrayers!"—The diſtance and a large cloud cloſed the ſcene.

The MAN in the MOON.

LETTER XXVIII.

AS all parliamentary reſolutions are conſtantly admitted to be the ſenſe of the nation, the advocates for the preſent preliminaries make uſe of a late majority in a certain auguſt aſſembly, to prove the honour and advantage that will accrue from the definitive treaty to this nation, and to ſhew what a firm and laſting peace we may expect from the concluſion of ſo important a circumſtance.

That parliamentary reſolutions ſhould always be the ſenſe of the nation, no one will take

take upon him to deny; but that they always are, is a very different affair: for if we ſuppoſe that to be the caſe, I am a little apprehenſive, that we ſhall find many circumſtances in the annals of this kingdom, which will be very advantageous to our character as a people.

'Tis true, the parliament, having the legiſlative capacity in its own hands, and being in general compoſed of the beſt and wiſeſt people in the kingdom, an implicit obedience ſhould be paid to all their reſolutions; and we muſt ſuppoſe, that their determinations are the reſult of real wiſdom, and the conſequence of public virtue.—Yet let the principles be never ſo juſt and patriotic, as perfection is not the attribute of human nature, there is ſtill a poſſibility, that a majority may be ſometimes miſtaken.—That this is ſometimes the caſe, need very little reading or experience.—We all remember, not to go any further, the famous bill for the naturalizing of the Jews. We all remember by what a majority that act received the ſanction of parliament: yet we as fully remember, that the very ſame houſe of commons quickly after looked upon that identical bill as repugnant to the intereſt of the kingdom, and accordingly repealed it. It may be aſked, how the houſe of commons, who juſt before had honoured it with their aſſent, came ſo ſoon to alter their opinions?—Why, by the general diſſatisfaction that reigned thro' all orders of people; by the public murmurings which it occaſioned —— murmurings,

murings, that were ecchoed to the very throne, and declared to our moſt gracious ſovereign the more general ſentiments of his people.

This circumſtance is only mentioned to thoſe ſet of authors, who ſuppoſe, that a majority muſt always be in the right; and who tells us, that the conſtituents of this kingdom have no right to complain, if the ſentiments of their repreſentatives ſhould be different from their own. — Alas! theſe worthy gentlemen never conſider, that, beſides a whole army of placemen, who are devoted to the ſervice of the miniſtry, there are ſome who have expectations by complying with its directions, and others, friends to oblige, by ſwerving from their duty; excluſive of thoſe, who may be miſtaken in regard to reaſonings; and who, from the very infirmity of human nature, are liable to err. Several honeſt country-gentlemen, who have never been uſed to the drudgery of argument, are frequently bewildered in the labyrinth of debate, and, like good ſir Francis Wronghead, innocently ſay ay, when they intend an abſolute negative,

Far be it from me to ſuppoſe, however, that the late majority was not actuated by principle; —but as a multitude of people, who have the intereſt of their country really at heart, alſo have inſiſted upon more advantageous conditions, and ſupport that opinion with much ſtrength of reaſon and argument, we muſt be a little uneaſy, that more favourable conditions were not obtained. Clemency and moderation are undoubtedly the moſt amiable cha-

characteriſtics of a conqueror; but it would be well, if, while we paid ſo great an attention to the neceſſities of our enemies, that we had ſhewed a little more regard to our own.—For, if from the evaſive terms, in which ſome of the articles are drawn up, we ſhould unhappily have ſupplied our perfidious enemies with a pretence of another war; and if, by the large reſtitution we have made of their ſettlements, we ſhould alſo have ſupplied them with the means; poſterity will think themſelves little indebted to ſo untimely a clemency on our part; and poſſibly the very deſcendants of our enemies, under ſome other imperial ſpoiler, will have no reaſon to be thankful for our unſeaſonable moderation.

We have a very ſenſible proverb in this kingdom, that charity begins at home; and, ſince we were to make a parade of national virtue, 'twould be well if we had firſt of all indemnified ourſelves for the expence the preſent war has put us to, and deprived our enemies, (ſince providence has bleſt us with the capacity) of recommencing their ambitious purpoſes for the future. When we had thus reimburſed ourſelves, and effectually ſecured the peace of our poſterity, we might, with pleaſure, have given any remaining ſurplus to our enemies.

[On the 8th of April, 1763, lord Bute reſigned; and a few days after a diſpute in the papers took riſe from that event.]

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LETTER XXIX.

THE ſtrength of the oppoſition, ſupported by the united voice of the whole Engliſh nation, no doubt occaſioned the late reſignation. But what has it left behind? The adminiſtration, on its preſent footing, does not appear ſo laſting as the late. There are ſeveral reaſons for believing it: but I will mention only one, viz. If there were ſtrength and reſolution enough in any ſet of men, to force the ſubſtance out of power, will not the ſhadow vaniſh of courſe?—Thoſe who were timorous and backward, becauſe they thought the taſk inſurmountable, muſt now perceive what they before deemed impracticable; and be convinced, that in the preſent ſituation of things, there can be no ſtability. The memorable three days adminiſtration of the late Earl Granville, is probably the model of our preſent ſtate, as well as the *legacy of one of the new guides*, [meaning the earl of Egremont, who was a pupil of lord Granville's. The public mind is far from being ſatisfied. The laſt miniſtry was odious; and this is, contemptible. It is compoſed of only the dregs of the laſt. The three principals are no more. Two are to be called up to the houſe of peers;* and the † third is either gone into Yorkſhire, or behind the curtain—or perhaps both.

An INDEPENDENT WHIG.

* Mr. Fox created lord Holland, and ſir. Francis Daſhwood created lord Le Deſpencer.

† Lord Bute

LET-

LETTER XXX.

IF the gentleman who ſigns himſelf an Independent Whig, is only as *independent* as thoſe obſervations ſpeak him to be impartial; it will then be no longer a doubt that he is the tool of faction, inſtead of being the advocate of liberty. For to paſs over the want of conſiſtency, in his firſt aſſertion, and foundation in fact, "that the ſtrength of the oppoſition, ſupported by the united voice of the whole Engliſh nation, no doubt occaſioned the late reſignation." I would only appeal to the candour of the public, whether the characteriſing a miniſtry, the very names of whom are not yet known, when not a ſingle arrangement is actually made, not one office yet beſtowed; I ſay, whether the branding adminiſtration yet in embryo, will not ſtand forth an odious, yet a ſure and certain teſt of the ſpirit of libelling? and that not content with injuries, and miſrepreſentations of real events, he defames upon conjecture, and trumpets forth oppoſition to phantoms of his own creation. When it ſhall be fully aſcertained who the gentlemen are that will compoſe adminiſtration, it will then ſurely be time enough, it will then at leaſt be more decent and more diſcreet, to deliver ſentiments concerning them. 'Till then it can only ſerve the purpoſe of ſtirring up thoſe general ferments in which ſelfiſh and ill-deſigning men may flatter themſelves to be gainers, but which muſt be matter of ſerious concern to all true lovers of their country.

A. Y.

LETTER XXXI.

THE reſignation of the laſt great man has put the world into confuſion. Almoſt every one thought there was not power enough to force him to it; but there is no knowing what even a little power can do, till it is tried. I no ſooner ſaid, 'that the ſtrength of the 'oppoſition, ſupported by the united voice of 'the whole Engliſh nation, occaſioned that 'reſignation,' than one Mr. A. Y. ſteps forth and talks about facts being miſrepreſented. I ſhould be glad to know *what* facts are miſrepreſented; and he is here called upon to prove which, and in what manner, they are miſrepreſented. It is a juſtice which is due to the public, who ought not, nor ſhall not, be impoſed upon with falſe aſſertions, or evaſive plauſibilities.

Is it not notorious that it has been declared by authority, that his majeſty has been pleaſed to place his government in the hands of the Right Hon. George Grenville, the earl of Egremont, and the earl of Halifax; and that in all caſes of importance, they are not to act ſeparately, but in an agreement of the three? Will not this very day, [Apr. 13.] or at fartheſt, the courſe of the week, prove the truth of all the material facts aſſerted in the paper which has ſo unjuſtly given offence?—The anſwer *ſeems* to come from authority. Whether they begin to be afraid of their own ſilly work or not, time alone can determine; but I am ſure there

is not one impartial man about the court, who will not acknowledge, that the ſtate of the caſe as pointed in that paper, was not matter of invention, but founded upon the then real intentions of the gentleman, at preſent behind the curtain.

I do not underſtand what he means by *the true ſpirit of libelling*. What! will he talk of libels, when it is notorious to all the world, that the advocates of his cauſe have publiſhed the moſt infamous ones that ever came from the preſs; that their ſlanders, falſehoods, and ſcurrilities were utterly deteſted by all honeſt men. Pray let it be aſked, who *raiſed* the ſpirit of libelling? Did not the hired advocates of the late adminiſtration (or the preſent, for I repeat it again, that it is only the dregs of the laſt) ſay, that mr. Pitt wrote a letter to the duke of Newcaſtle, ſoliciting his grace's intereſt with his late majeſty for a penſion; and does not the duke of Newcaſtle, on all occaſions, publicly declare, that he never had ſuch a letter? And did they not make and publiſh a ſpeech, which they aſſerted was the late earl Granville's in council; and did not his lordſhip ſeveral times declare, there was not even ONE ſingle word of truth in that ſpurious production? I could bring a thouſand inſtances of falſehood, and the TRUE ſpirit of libelling, from the Briton and Auditor; but I forbear to diſturb the aſhes of thoſe dead miniſterial tools, who when living were the contempt of mankind; and died, becauſe daily experience convinced their patrons, they were

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the worſt of enemies to the cauſe they were hired to ſupport.

Mr. A. Y. talks of the *indecency* there is in ſaying any thing about the miniſtry, till it is ſettled. To which I firmly anſwer, that there is, in ſuch a caſe, *no indecency*; and that the moſt fit time to talk, is before the miniſtry is ſettled; as the arguments, if founded on the public intereſt, may in ſome meaſure influence the impartial choice of men; for what good will talking do afterwards? only ſerve to raiſe ſuch another ferment, as we have lately ſeen, for the overthrow of another miniſter. The people cannot, they will not, be ſatisfied with thoſe in whom they do not chuſe to place their confidence: nor can it be ſuppoſed, that his majeſty, who is ever diſpoſed to meet his people half way, can now be a ſtranger to their wiſhes.

He ſays in effect, every thing is in a ſtate of uncertainty. I grant it: for I do not ſee how any thing ſhould be otherwiſe. Notwithſtanding the three heads which now rule are, in theſe days of anarchy and diviſion, *fit* to preſide over theſe kingdoms; yet as they were moſt evidently concerned in the peace and the exciſe, the people are in no better an humour than before. The few changes which have been made, are only among a particular ſet of men on one ſide. The oppoſition (which is compoſed of the flower of the Engliſh nobility, as well with reſpect to talents as to independency) does not ſeem to be in the leaſt

affected: or if any thing, it will gain ſtrength; for it is well known, that many eminent perſonages have been for ſome time timorous about taking either ſide. They diſliked the adminiſtration; and as for the oppoſition, they then conſidered it as entering into a kind of a proſcription for life, from the little probability there ſeemed to be of ſucceſs; but now as the ſuperſtructure, to the aſtoniſhment of mankind, is removed, and nothing but the ſhadow of the pillar left, it is not doubted, but many who before where neuter, will now openly declare themſelves: and it is ſincerely hoped, that an amicable capitulation among all parties may ſpeedily take place. The intereſt and the buſineſs of the nation, call for it in the moſt preſſing manner. A mixt miniſtry is what has ever been the moſt happy and glorious for England. For inſtance, what contributed more to the reſtoration of harmony after the loſs of Minorca, and to the eſtabliſhment of that firm and unalterable union during mr. Pitt's adminiſtration, than the placing in the ſeveral principal departments of government, the leaders of both parties; particularly ſuch as were diſtinguiſhed by ability, not by favour. They then joined hand to hand, and this produced the immortal glories of the war. Let not our preſent æra be diſtinguiſhed by the advancement of only incapable men, and breaches in ſeveral of the moſt noble and illuſtrious families in the realm: let it rather be recorded to poſterity, that when diviſions unhappily broke

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out among the loyal and faithful ſervants of the crown and nation, they were, under the auſpices of George III. (as they had been before under George II.) reſtored to a perfect underſtanding, union, and cordiality; and Britain again experienced the happy effects of harmony, and friendſhip reigned throughout her people, which was the more valued, becauſe the want of it had been felt.

An INDEPENDENT WHIG.

LETTER XXXII.

Pall-Mall.

THE gentleman, who ſigns himſelf *An Independent Whig*, takes upon him to aſſert, that the ſtrength of the oppoſition, ſupported by the united voice of the Engliſh nation, occaſioned a late reſignation; and having boldly averred the fact, which if true he cannot poſſibly know to be ſo, unleſs he had been more intimately acquainted with the late miniſter than he appears to have been, he proceeds to bully mr. A. Y. and ſays, that the public ought not, and ſhall not, be impoſed upon with falſe facts and aſſertions. I wiſh this whig would be ſo good as to inform us what right he has to impoſe upon the public, or what evidence there is of the Engliſh nation being united againſt the late adminiſtration. What is the voice of the Engliſh nation? Is not that reſpectable voice truly and conſtitutionally heard from the mouths of their repreſentatives in parliament, and have not they by a prodigious majority, given their ſolemn

lemn voice in favour of the late adminiſtration? Is the language of coffee-houſe politicians, who retail the lies and nonſenſe of the day, the voice of the nation? Is the clamour of a mob, who for half a crown a piece would abuſe their own parents, the voice of the nation: independent as the whig is of reaſon and candour, he will hardly venture to anſwer in the affirmative. I wiſh he would anſwer, not firmly as his phraſe is, but truly and fairly to the ſimple queſtion, who are the people who have a right by the conſtitution to give their voice for or againſt a miniſter, ſo as to merit the attention of the crown?

LETTER XXXIII.

THE anonymous writer from Pall-Mall, in yeſterday's paper, ſeems to be in a paſſion. He was ſurely very ſore to be ſo ſenſibly touched to the quick, by the mention of only a few facts. I called upon Mr. A. Y. to ſhew what facts I had miſrepreſented; but no A. Y. appeared: nor is any thing that I advanced in my two former letters, even attempted to be overthrown. Inſtead of that, it ſeems to be intended to divert the public from the real points of importance. But until it is ſhewn, that I have forfeited my word, by relating any ONE falſity, I think my arguments and my reaſons, ſupported by unconteſted truths, remain in full force before the candid and impartial world. As a proof, did not the right hon. George Grenville kiſs hands,

hands, on Wedneſday, on being appointed to the head of the treaſury, together with mr. Orby Hunter, and mr. Harris, who are now lords of the treaſury likewiſe? And will not the influence of the great man, at preſent behind the curtain, notwithſtanding the talked of journey to Harrowgate, continue to be exerted, in as full and ample a manner as before? Now I will, with your leave, mr. Printer, make a ſhort reply to your Pall-mall correſpondent.

He ſays, in effect, "if the fact be true, "that the ſtrength of the oppoſition, ſupport-"ed by the united voice of the Engliſh na-"tion, occaſioned a late reſignation, I cannot "poſſibly know it to be ſo.". To which I anſwer, that I *do* know it is ſo: and whenever he takes upon him to aſſign other reaſons, I will fairly ſhew, that it *was* the ſtrength of the oppoſition, ſupported by the united voice of the Engliſh nation, which occaſioned the laſt great man to reſign. He then proceeds to the hackneyed miniſterial cant, which all their dull defenders have made uſe of, viz. calling all the people of England a mob; and aſking what is the voice of the people? I ſhould be ſorry any Engliſh nobleman or gentleman, ſhould be ſo far guilty of ill manners, as to call his countrymen a mob. I know of no mob in England ſince the highland rebels were in it; they were indeed a mob, and a wicked one. But the people of England are, and juſtly think themſelves, too reſpectable to be diſtinguiſhed by ſuch an appellation;

pellation; and therefore they ſhould not, on the points of decency and prudence, be treated with ſuch language; nor with ſome other angry paſſages in that letter. The laſt firm and able miniſter, that great Saviour of his country,* eſteemed them as they deſerved: he owes his glory to them, and he is proud on all occaſions to acknowledge it: it was ever his great aim to bring their united voice, clear and unpoiſoned to the ear of his ſovereign.

The voice of the people is the voice of the conſtituents, as well as of the repreſentatives. If there was no other voice but that of the repreſentatives, the people would be abſolute ſlaves; ſuch as they are in France, and other deſpotic countries. I will give one inſtance. When the city of London petitioned both houſes of parliament againſt the exciſe bill, they, after it had paſſed, preſented a third petition to the king. Had they not a right to preſent this *third* petition? If they had (and I make no doubt of it) this proves that the people, or the conſtituents, have a voice as well as their repreſentatives. Beſides, is it not ſtipulated, or rather ſacredly and ſolemnly ordained, by the ineſtimable bill of rights, confirmed by our great deliverer king William the 3d, that the people have permiſſion to approach the throne with their grievances? Therefore the voice of the nation is conſtitutional, and as a confirmation of it, I would only aſk any man, whether it was not by the voice of the nation that mr. Pitt was brought into the miniſtry in 1757?

* Mr. Pitt.

I think it is now pretty plain that the people *have* a voice "ſo as to merit the attention of the crown." The voice of the people is loud againſt the miniſtry. I appeal to every part of town and country, whether a general diſlike does not every where reign againſt the peace and the exciſe?

An INDEPENDENT WHIG.

LETTER XXXIV.

From the Country.

IF the laſt great man who reſigned was deemed the miniſter, the ſubſtance, and no perſon was appointed, or declared, from authority to ſtand in his place, the INDEPENDENT WHIG was certainly guilty of branding a miniſter in embryo in his firſt letter. His aſſertion that the united voice of the whole Engliſh nation was againſt the late miniſter, I can with better evidence affirm to be falſe, than he can bring for its being true; ſince it is certain a people are not united, who are divided. The late miniſter had his party, his friends, as well as the oppoſition had theirs; and they were men who had as juſt a claim to the title of the flower of the Engliſh nobility with reſpect to talents and independancy, as thoſe in the oppoſition. He had moreover the voice of the ſenate, and in that the voice of the people, upon revolution principles; and of courſe, under his preſent majeſty's reign, he had the voice of his ſovereign.

What a libel is, when conſidered as obnoxious to puniſhment, can be determined only in Weſtminſter-Hall. As to falſhhood, miſ-

miſrepreſentations, ſcurrility, and abuſe, every gentleman, and every honeſt man, will diſclaim and abhor it on any ſide. There is however this difference to be conſidered; thoſe who are the aggreſſors are only retaliated upon, and receive but the juſt returns for the provocation they give. Every ſenſible man muſt ſee, every honeſt impartial man will acknowledge, how infinitely great and material the difference is between the falſhoods raiſed and propagated againſt government, miſrepreſentations of their actions, ſcurrility and abuſe of majeſty and all the powers ſet in authority, and that of particular individuals: the latter is ſhameful and injurious to ſuch; the former big with danger to all, as it has an inevitable tendency to deſtroy that reſpect due to government, which is eſſential to the very exiſtence of ſociety.

The term *dregs*, as applied by the letter-writer, though ever ſo often repeated and affirmed by the INDEPENDENT WHIG, I ſhall as poſitively affirm to be an indecent expreſſion, both as he refers to government, and as it reflects on the honourable and worthy perſonages mentioned by name. The word *ſilly*, in another part of his letter, merits the ſame epithet.

That every thing is in a ſtate of uncertainty it ſeems is granted; and the INDEPENDENT WHIG allows that the three heads which now rule, are, in theſe days of anarchy and confuſion, *fit* to preſide over theſe kingdoms; (and ſurely that is, in the ſtrongeſt terms, proclaiming their talents and abilities.) But the

the people are in no better humour, it ſeems, than before! Can there be a greater ſlur or inſult caſt on a people, (by whom, it is preſumed, he means the oppoſition) or can he deſcribe faction in ſtronger terms than theſe? The men whom he allows *fit* to rule this kingdom in difficult and dangerous times, are thoſe whom he tells us were concerned in making, and approved the peace, and cyder bill. The people, the oppoſition, whom I ſhall not now ſcruple to term the faction, are not in a better humour, that is, will oppoſe thoſe whom they deem *fit* to rule, and clamour againſt the ſteps taken by thoſe whom they allow to be *fit* to rule, or, in other words, to conduct our national affairs. Did the Auditor or Briton ever offer ſuch abuſe to the oppoſition, or charge the people with ſo much wickedneſs or folly? What can that party ſay; how will they anſwer it to God and their country, who have not only oppoſed the meaſures of men whom they now acknowledge *fit* to rule, but, in the courſe of ſuch oppoſitions, have miſrepreſented thoſe meaſures, and left no ſtone unturned to poiſon the hearts and inflame the minds of the people, to a degree that fills every honeſt mind with diſguſt and horror; and muſt make, not the ignorant, but the ſenſible and the brave tremble.

A SINCERE but MODERATE WHIG.

LETTER XXXV.

WHEN I took up the pen to trouble the public, it was not with an intention to carry on a literary diſpute. My antagoniſts all

all ſeem willing to defend the late miniſter, whom the people think is inefenſible. His meaſures make him ſo, becauſe they are ſuch as cannot be defended: for inſtance, what is now more odious all over England, than the exciſe on cyder? Can a ſtronger proof be given of its being hateful and odious, than the ſpirit which the city of London ſhewed, in petitioning EVERY branch of the legiſlature againſt it? Can ſtronger proofs be given of its being deteſted in the country, than the farmers cutting down their apple trees; and ſeveral towns now actually preparing addreſſes of thanks to the city of London, for her brave, though ineffectual efforts, for the preſervation of liberty?

If the laſt miniſter was odious, on this and many other accounts, what are the preſent, who were concerned with him? I was not very much in earneſt, when I ſaid they were *fit to govern*. To what wretched ſhifts are the advocates reduced, when the moſt palpable ſneer is taken for grave teſtimony? Had they no hand in the exciſe, as well as the peace?—Engliſhmen will not tamely give up their liberty: they will diſpute it inch by inch. Arbitrary miniſters, it is true, may reign for a time, but they muſt, in the end, ſubmit to the efforts of thoſe, who have conquered foreign, as well as domeſtic enemies.

While the laſt great man was in power, we were alarmed by repeated attacks on our liberties? and now he is out, or perhaps become a prompter behind the ſcenes, is there the leaſt

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ſon for thoſe alarms to ſubſide? Are the Things, which he has left behind, any thing more than the props of his late eminence? Has not the exciſe on cyder opened a door for a general exciſe? or if that is not found immediately practicable, may it not at leaſt be made uſe of as a precedent for an exciſe on *tobacco*, if ſuch a thing ſhould be *propoſed next ſeſſion?* What elſe can we expect from thoſe, or any of thoſe, who, notwithſtaning all our luxuries, and ſo many things ſtaring us every where in the face, fit to be taxed, could think of no other way of raiſing money, *but by an exciſe?*

Sorry, very ſorry, is every true lover of his country, that in theſe times of peace, when neither hazard nor exigency can be pleaded, there ſhould be ſuch a grievous mode of raiſing the ſupplies. In no part of mr. Pitt's adminiſtration, when the ſums, in times of public danger and uncertainty, more than trebled this, was there ſuch murmurs and heart burnings, as are now throughout the kingdom? The French are moſt heartily glad, at our being thus diſunited and diſtracted. They entertain hopes of attacking ſome part of our ſettlements, while we are engaged in domeſtic diſputes; and getting the upper hand of us, before we are alarmed and prepared. Every French mail brings letters and accounts of their being hard at work in all their ports, building and fitting out ſhips. To which we have contributed our full ſhare, by reſtoring them their iſlands; which the power of the whole houſe of Bourbon united, could

never have retaken, and which, now as they have ſeen their error, they will fortify ſtronger than before: together with five and twenty thouſand ſeamen, whom they could never have obtained, to man their commercial fleets and ſhips of war. Have we not thus raiſed France from the duſt; and put a ſword in her hand, which in a little time, ſhe will point at our boſoms? And are we in ſo good a condition as before? Will Canada or Florida be of any ſervice to us, till they are inhabited and cultivated, which muſt take a conſiderable time? Will not the French (for it is now their policy, as is evident from their arming as faſt as poſſible) lay the foundations of begining another war; and by the family compact, which was framed for that purpoſe, is it not probable that we and Portugal, ſhall, in a very ſhort time, be attacked by the French and Spaniards? And then ſhall not we, with above ONE HUNDRED AND FORTY MILLIONS on our backs, have this dance to go over again? Every honeſt man trembles at the proſpect, which though at preſent it may appear diſtant, is yet plain and terrible. To prevent the evils of ſuch a day, for it *will come*, let us in time, turn to thoſe brave and honeſt men, who have wiſdom, integrity, and ſpirit; and let us, *before* our neceſſities compel us, place our truſt and confidence in them. They before reſcued us out of imminent dangers; and may, if taken in time, *ſtill* preſerve us from future ones. Nothing but ſuch a meaſure can reſtore harmony, and bring about a coalition of parties

parties: and nothing but harmony among ourſelves, can defeat the preſent deep laid ſchemes of the enemy.

An INDEPENDENT WHIG.

LETTER XXXVI.

I SUSPECTED by the firſt letter ſigned an INDEPENDENT WHIG, that the writer belonged to a certain body corporate, who want to be conſidered, not only as one branch of the legiſlature, but that to which the other three, viz. king, lords, and commons, ought to be ſubſervient. His ſubſequent letters have confirmed my ſuſpicion, and the diſpute is now very ſerious indeed. It is no longer about particular men, particular miniſters, or particular meaſures, but about the very fundamentals of the conſtitution. It is, whether a king of England is to attend to the voice of his two houſes of parliament, or to what the INDEPENDENT WHIG is pleaſed to call "the voice of the people." As I have been bred up from my infancy with a reverence for our excellent conſtitution, eſtabliſhed upon the trueſt principles of liberty, by the glorious revolution, I cannot hear, without indignation, an aſſertion, "that if there was no other voice, but that of the repreſentatives, the people would be abſolute ſlaves." what was the method taken by our glorious deliverer to redreſs our grievances? Was it not by calling a parliament? taking the advice of that parliament, and looking upon the voice of that parliament, as the voice of the people? Did any man dare

to interpoſe or tell our deliverer, that he was to redreſs any grievances? to liſten to the opinions of any men whatſoever? or take any ſteps for ſecuring our liberties, but ſuch as were recommended to him by the two houſes of parliament? I would aſk the INDEPENDENT WHIG, whether he can find in our ſecond magna charta, viz. the bill of rights, or in any other act, that there is any power lodged in any ſet of men whatſoever, to adviſe, direct, or controul the executive part of government, but in the two houſes of parliament only? If he cannot there find any ſuch power, let him not bring, as a proof of his aſſertion, the petition which the city of London preſented to the king, to refuſe the royal aſſent to a bill which had paſſed the two branches of the legiſlature. But in anſwer to the queſtion, which he has aſked with ſuch an air of triumph, "whether they had not a right to preſent that petition!" I will take upon me to affirm, that they had no ſuch right; that it was the moſt illegal, and the moſt daring act of preſumption, that ever was done. I will repeat it, that no man, or ſet of men whatſoever, have any right to petition the king to do that which, if he complies, muſt ſet him at variance with, and create an immediate breach between him and both his houſes of parliament: nor could any body of men think of ſuch a petition, without having the arrogance to conſider themſelves as a principal branch of the legiſlature. I hope the two houſes of parliament will not let ſo flagrant an offence againſt the conſtitution paſs without a ſevere animadverſion.

What

What then! have the conſtituents no voice? Yes, the meaneſt ſubject who lives under this free government has a voice, but not ſuch an one as the INDEPENDENT WHIG means: every individual has a voice to tell his grievances, by petition to the king: and our gracious ſovereign has given ſo many repeated proofs of the moſt humane benevolent diſpoſition, of a conſtant attention to the welfare of his people, of a moſt ſtrict regard to juſtice, and the moſt zealous attachment to the conſtitution, that he will not ſuffer the leaſt of his ſubjects to labour under any wrong, which it is in the power of the executive part of government to redreſs. Every individual has a voice to tell his grievances, by petition, to the houſe of commons; and the doors of that auguſt aſſembly are ever open to receive information of, and to redreſs grievances. I will go farther, and ſay, that every individual has a voice to publiſh his ſentiments of political meaſures; but I do inſiſt upon it, that neither the greateſt ſubject, nor any number of the greateſt ſubjects, nor the common council of the city of London, nor any other body of men, be they ever ſo reſpectable, have any right to call their particular opinions 'the voice of the people.' The voice of the people can never be known, nor can it ever reach the throne, but by the people's repreſentatives; and therefore I will maintain it to be a falſe aſſertion of the INDEPENDENT WHIG, 'that the united voice of the people is againſt the peace.' I will appeal, with him, to every

part of the town and country, 'whether there is a general diſlike to the peace?' I wiſh, with all my heart, that there was any poſſible method of knowing the opinion of every individual upon this ſubject. If the INDEPENDENT WHIG can put us in a way of finding it out, I have not the leaſt doubt, but as great a majority of the people collectively, would expreſs their approbation of the peace, and in as ſtrong terms, as they have already done repreſentatively. Sure I am, that the flower of the gentry of England, deputed from every part of the kingdom, are much more likely to acquaint us with the real opinion of the people, than a body corporate, conſiſting of 300 citizens of one city only. That there are numbers in the city of London who diſapprove of the peace I can eaſily believe. Mankind will he governed by their intereſt; and when we conſider how many lucrative jobs were furniſhed by the expenditure of 20,000,000 a year; how much uſurers rejoice at high premiums, and ſix or ſeven per cent. intereſt; how eaſily riches have been acquired by the moſt infamous and pernicious traffic in the funds: it is not ſurprizing that thoſe cry out againſt the peace, who lament that theſe methods of getting money ſubſiſt no longer. But let us conſult the bulk of the people, who have groaned under the heavy burthen of taxes, which have been raiſed to ſupply the enormous expences of the war: let us conſult the manufacturers towns, whoſe looms have ſtood ſtill for want of hands: let

us

us conſult the real merchants, who add to the ſtock of their country by fair trade, and who can now increaſe their capital by borrowing at a low rate of intereſt: theſe will all concur in eſteeming that miniſter the trueſt patriot and friend to his country, who has not only ſtopped the iſſues of blood and treaſure, but opened an ineſtimable ſource of commerce and wealth, by the valuable acquiſitions ſecured by the peace.

But I am got beyond my purpoſe; which was not to ſay any thing of men or meaſures, but to vindicate the conſtitution, againſt that moſt dangerous poſition of the INDEPENDENT WHIG, 'that any thing can or ought to be conveyed to the throne, as the voice of the people, which is not the voice of their repreſentatives.'

The doctrine which I have advanced is true Whiggiſm, founded upon revolution principles. But to infuſe jealouſies into the king of one or both houſes of parliament; to deſire him to act contrary to their opinion; to tell him that he then acts agreeably to the voice of the people, and that the people will ſupport him in it, is rank Toryiſm, and what had well nigh deſtroyed our liberties in the arbitrary reigns of the Stuarts.

I hope therefore your correſpondent will not aſſume the maſk of the ſacred character of Whig, when he is advancing doctrines that tear up the conſtitution by the roots.

Againſt

Againſt theſe pernicious tenets I hope every honeſt man will join with one, who is

A REAL WHIG, and zealous friend of the government, by king, lords, and commons.

[Upon this point, whether the people have, or ſhould be conſidered as having, a voice excluſive of their repreſentatives? a diſpute began in the papers; and was handled in behalf of the ſubject, in the moſt learned, judicious, and candid manner, by the INDEPENDENT WHIG, and another writer who called himſelf A TRUE WHIG; both of which letters follow]

LETTER XXXVII.

IN anſwer to the writer, who ſigned himſelf a REAL WHIG, I ſhall make a direct reply to the principal paſſage in his letter, wherein he ſo poſitively affirmed, "that the city of London had *no right* to petition the king againſt the exciſe bill, that "it was the moſt illegal, and the moſt daring "act of preſumption that ever was done." If this is the language of the late, or, what is all the ſame, the preſent miniſtry, then party is kindled to a moſt alarming degree: for this doctrine, I believe, was never heard of in England, ſince the ever memorable trial of the ſeven biſhops, nor ever was ſuch language held, ſince the arbitrary reigns of the Stuarts, *from whom good Lord deliver us.*

The

The rights of the people it becomes every man to defend, when he ſees them either denied or invaded. The conſtitution, by this writer, is attacked, and deſpotiſm is —— I cannot, I will not believe it; his majeſty is too good, and the miniſter, in or out of ſight, dare not attempt it. I maintain that the city of London *has a right* to petition the king in all caſes of grievance, and ſo has every town, and every village, and every ſubject in the kingdom. The right of petitioning the king, was firſt inſtituted by Magna Charta, for which the brave Engliſh barons fought and bled. "Illi barones accedant ad nos, vel ad juſtici-"arium noſtrum ſi fuerimus extra regnum, "proponentes nobis exceſſum, petent, ut ex-"ceſſum, illum ſine dilatione facimus emen-"dari," *ſee Art.* LXX *of an authentic copy in the Cottonian collection.* It was confirmed by an act of parliament made in 1661, wherein, beſides allowing all ſubjects the liberty of petitioning the crown, it is expreſsly enacted, THAT THE CITY OF LONDON ENJOY THEIR FREEDOM OF ACCESS TO HIS MAJESTY, AS HERETOFORE HATH BEEN USED *to petition againſt* ANY *private or* PUBLIC *grievance, and for* ANY *remedy to be thereupon had.* And laſtly, it was eſtabliſhed by the bill of rights in 1689, "That it is the right of the ſubjects "to petition the king, and all commitments "and proſecutions for ſuch petitioning, are "illegal."

How ſtrangely ignorant, or rather how deſignedly wicked muſt this writer be, who, if in or lately out of power, denies the city of London

London their fair right of petitioning the king calls it an *illegal* and daring act of preſumption, and hopes the two houſes of parliament will not let ſo flagrant an offence paſs without a ſevere animadverſion. Is it unlawful to petition the king? It has been proved that it is not. Is it an offence to petition the king? it was in James the ſecond's reign, when evil counſellors ſurrounded the throne, and the petitioners, who were biſhops, were by his counſel ſent to the Tower: but a jury, of true and honeſt Engliſhmen, ſet them at liberty. Upon their trial, mr. ſerjeant Leving, aſſerted, "that the ſubjects *have* a right; to "petition the king in all their grievancies; "ſo ſays all our books of law: and indeed if "they had not, it were the moſt lamentable "thing in the world, that men muſt have "grievances upon them, and not be permit-"ted to ſeek relief in an humble way." mr. juſtice Holloway likewiſe aſſerted, "that to "petition the king, was the birthright of "every ſubject."

But has it at any time ſince been an offence? Is it in this inſtance an offence to his majeſty, or the miniſtry? Not to the former I am ſure, he reigns in the hearts of his people, and cannot be more delighted than when he redreſſes their grievances. To the latter, perhaps, it may, and no doubt it was, if we conſider the mean and inſiduous attempt made uſe of, to call another court of common council, to annul the proceedings of the former court, which had agreed to petition *every* branch of the legiſlature. It is to them the offence

offence is given; therefore we need not wonder, if in their rage, they call it illegal, and an act of inſult. But the city of London will ever be remembered and eſteemed, by all honeſt Engliſhmen, for their true patriotiſm, and ſteady attachment, to the intereſts and liberties of their country; unbiaſſed and unſhaken, by either venal promiſes or inſulting threats.

Having proved the *right* of the city of London to petition the king, I will now conſider the propriety and neceſſity of that petition. The exciſe bill was ſudden: the counties to be afflicted by it, were then ignorant both of the deſign and the tendency. The citizens of London being on the ſpot, were conſequently firſt informed; and though unaffected by it, yet alarmed for the good of their fellow ſubjects, they petitioned *every* branch of the legiſlature againſt it. It is in the prerogative of the crown, to refuſe the royal aſſent to any bill; the city of London knew that, and therefore they petitioned only for an exertion of that prerogative, to ward off an impending grievance, at preſent ſo big with miſchief, that if we go into the country, we may ſee how likely the conſequences are, of becoming moſt terribly fatal. What was there in the petition, that could give offence to an upright miniſter? I mean one who wiſhes *the voice of the people* to reach the ear of his ſovereign, not he who attempts to hinder it. Never ſince the year 1733, has ſuch a ſpirit of oppoſition, in every part of town and country, been ſeen. To allay theſe heats,

the

the laſt great man reſigned *in appearance*; but have not REALITIES been ſtill the ſame? Has he not dictated every meaſure from behind the curtain? It has been too palpable not to be diſcovered; and ſuppoſe the talked of journey to Harrowgate, *ſhould* take place, yet will not his adherents in making the peace and exciſe, be left behind? therefore what better will be our ſituation?

It is denied that the people have *any* voice; and aſſerted that the ſovereign can never know the ſentiments of the people, but by their repreſentatives. The miniſtry or their partizans, would not have talked thus, if they had been flattered with addreſſes from great and oppulent towns on *their* peace, and the *exciſe* had gone down as ſmoothly as they wanted. They would then have ſaid, the voice of the people was in the addreſſes; but to their extreme mortification, very few of thoſe addreſſes have appeared: and now in revenge becauſe the people *will* think for themſelves, it is ſaid, they have no right to ſpeak, but by the mouths of their repreſentatives. Strange doctrine! falſe in itſelf, and I am afraid ſomething worſe in its deſign. But know, that what was ſaid in 1736, in the moſt ſolemn manner, is ſtill freſh in the memories of many honeſt Engliſhmen. "Under this "royal family alone, we are fully convinced "we *can* live *free*; and under this royal fa"mily, we are fully determined, we *will* live "*free*." A parliament may be bought, but the whole nation cannot; therefore the *true* ſenſe of the people is with the people themſelves,

ſelves, I could bring a thouſand inſtances, beſides the preſent peace and odious exciſe, wherein parliaments have approved of meaſures which the people have utterly abhorred. The ſpirit which was ſhewn at Malden, is a very ſtriking and convincing proof, how the *new* placemen are eſteemed by the people; and how contrary to the inclinations of the conſtituents have been ſome late wonderful approbations and aſſents. The court and country intereſts, were put to the ſevereſt trial; yet true virtue and the country prevailed; notwithſtanding it was no cyder country. What ſtronger inſtance can be brought, to prove that the parliament has differed from the opinions of the conſtituents, or that lately it has *not* been the TRUE voice of the people. Every man may convince himſelf, if he goes but a little way into the country.

An INDEPENDENT WHIG.

LETTER XXXVIII.

QUERIES, *written by* A Moderate Whig; *with the anſwers, by* A True Whig.

QUERE 1. By the eſtabliſhed conſtitution of theſe kingdoms at the revolution, has the king a right to make peace and war or not?

Anſ. By the conſtitution of theſe kingdoms, repaired and ſtrengthened at the revolution, the king has *power*, by and with the advice of his privy-council, to *declare* war, and to *negociate* peace. But that the king

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has, or that there is inherent in the royal prerogative an abſolute unlimited, and uncontrollable *right* either to *make* or to *decline to make* war or peace; or in making peace to agree to any ceſſions or conceſſions which the crown may think fit, I take to be a doctrine manifeſtly ſubverſive of the conſtitution, deſtructive of the rights of parliament, and tending to overthrow the liberties of this FREE PEOPLE. Nor will any body, I imagine, attempt to maintain it, who is acquainted with our hiſtory; has conſulted the public records; or read the journals of parliament.

Q. 2. Upon the ſame principles, and by the ſame eſtabliſhment, has the king a right to chooſe his miniſters, or ſuch perſons as he thinks proper, and as he can place a confidence in for carrying on the buſineſs of government?

Anſ. By the ſame conſtitution, but not upon the *ſame principles*, (if by that is meant that the powers ſtand preciſely on the ſame foot, and are alike in all reſpects) the king has a *right* to name and appoint his miniſters, or ſuch perſons as he, being *well* and *freely* adviſed by the ſervants of the crown, thinks proper, and as he can place a confidence in, for carrying on the buſineſs of government. But beſides the influence of ſuch a conſtitutional advice in the choice of miniſters, there is in this country a power, as indiſputable as that of the king to name them, and of ſufficient efficacy, to control the choice of the crown, and to remove from the king's preſence

ſence and councils for ever miniſters not approved of, even without proceeding ſo far as to condemn or puniſh them by a judical trial. That great power has been often, and may at any time be put into motion by the voice of the people; of whoſe unalterable rights it is one to give and to enforce their inſtructions to the repreſentatives they *chooſe* and may *change*.

Q. 3 Is not the parliament ſtiled, and underſtood to be the grand council of the nation, a body who are conſidered as the repreſentatives of the whole people; from whom it is expected, the king ſhall receive advice; whoſe duty, and intereſt it is that he ſhould do it, whoſe power is able to control them as they ſhall approve, or diſapprove his actions, by granting, or witholding from him the eſſential means of acting—the ſupplies?

Anſ. The parliament is ſtiled, and underſtood to be the GREAT COUNCIL of the nation; a body which is conſidered as the repreſentatives of the whole people, from whom it is expected the king ſhould receive advice. It is therefore no leſs expected that their *advice*, not their *approbation*, ſhould on ſome occaſions be aſked. A Britiſh parliament will not now, more than in former days, think itſelf tied up from giving their advice, though it ſhould not be aſked. Such advice has been aſked by ſome of the beſt kings England ever had; and it has been given with authority and effect, when it was not aſked, to ſome of the worſt kings England ever ſaw; and in

nothing more frequently, than in the affairs of peace, war, and alliances made or declined to be made by the crown.—I know not how it can be the *duty* of the parliament (if to *it* the firſt *whoſe* in the query not very gramatically relates) that the king ſhould *receive* their advice, in any other reſpect than that it is their duty, on every proper occaſion, to give advice to the crown, when it is *not* as well as when it *is* aſked. But I am ſure it is the *privilege* and the *right* of parliament to adviſe the crown. And I agree it is their *intereſt* (as I alſo think it is the king's, which is indeed inſeperable from theirs) that the crown ſhould not only *receive* but *aſk* the advice of parliament, in matters of the higheſt importance, and of ſingular difficulty. If there was no other reaſon for the crown's receiving or aſking the advice of parliament, it certainly is a very forcible one, that the power of the parliament is able to control the crown, by giving, or witholding from it ſupplies, which are the *neceſſary* means of acting, as they approve, or diſapprove the meaſures to which the king is adviſed by his miniſters, who are anſwerable to their country for EVERY act of the crown.

Q. 4. By the nature of our conſtitution, can the king learn the ſenſe of his people? ought he to ſeek it in any other manner than from his parliament, from that body who repreſent the people?

Anſ. By the nature of our conſtitution, the king learns the *preſumed* ſenſe of the people from the parliament. It is in that way he ought

ought to ſeek it, and it is perhaps the only way in which he can, in an ordinary courſe, ſeek it; becauſe there is no other body repreſenting the WHOLE PEOPLE with which the crown can communicate. But as from the parliament (except perhaps in the caſe of a new one, choſen of purpoſe to convey the ſentiments of the electors to the throne upon a particular affair, previouſly declared to them) no more can be had than the *preſumed* ſenſe of the people; ſo neither does the people, by chuſing the parliament, *renounce* what they cannot *tranſfer*, their *own* ſenſe, nor the right of having one, and of ſignifying what it is, if it happens to be different from that of their repreſentatives. And the people have a channel as conſtitutional as that of parliament, in which, to make known to the crown the ſenſe which they, the body *repreſented*, entertain of any one thing falling under the cognizance of parliament, or as to things which do not ſo neceſſarily belong to the deliberations of parliament. The people, in their ſeveral collective bodies, which form the GREAT WHOLE, where the conſtitution is, as their birth right and inheritance, have a right to petition the throne. They can addreſs the king. To them belongs the privilege; the crown has the ſatisfaction ariſing from that ſort of intercourſe. In both theſe ways the crown *can* and *does* learn the *real* and the *univerſal* ſenſe of the people, and may be more certainly informed of it than it can be by any vote, or reſolution of parliament. *Theſe* paſs for the

ſenſe of the people only when not contradicted by their own proper voice, or when confirmed by their ſilent acquieſcence. And the crown itſelf, in ſome caſes, anxiouſly expects more than ſilence from the people. Addreſſes of congratulation have a grateful odour, as they convey the peoples ſentiments of ſatisfaction and approbation of the meaſures of the crown, with the expreſſions of the joy they feel upon happy events.

Q. 5. Does not a majority of voices ſpeak the majority of opinions, and does it not imply the ſenſe and conſent of the majority of the people?

Anſ. A majority of voices ſpeaks the majority of opinions; *but only* of thoſe who have or give voices. *Their* ſenſe it *expreſſes* rather than *implies*. But the majority of voices of the *repreſentatives* of the people, neither *implies* nor *expreſſes* (for the utmoſt it can do is to give ground to *preſume*) the ſenſe and conſent of the people *repreſented*. From which it appears, that there is a fallacy in the terms of the quere as put. The ſenſe of the people, and the ſenſe of a majority of the houſe of commons, were different upon a very noted occaſion. And the ſenſe of the people, firmly and boldly declared at that time, rendered abortive a vote carried in parliament, tending, as the people thought (whether right or wrong) to introduce a general exciſe; the then miniſter, with all his power, not having choſe to puſh even a favourite object againſt the plain ſenſe of the people.

Q. 6.

Q. 6. By what other rule or means, did there, does there at this time, or can there ever exiſt one ſingle law?

Anſ. A majority of voices in the legiſlature, is the only thing that can give exiſtence to a law. The power of legiſlation gives force to the law, whether it be approved or not by thoſe from whom the legiſlative powers are derived, till they have influence to procure a repeal of it, if they happen to differ in opinion from thoſe in whom they have veſted the power to make laws.

Q. 7. To what end and purpoſe was the crown put under an obligation to govern by parliament, and that it was made the eſſential part of our conſtitution?

Anſ. The crown was conferred, by thoſe who only had the right to beſtow it, under conditions inſeparable from the title by which it is held. One eſſential part of the conſtitution is the being and power of parliament. The crown and the parliament are the GOVERNMENT of this country, the ſupreme executive part of which, and a third ſhare of the legiſlative power, is by the conſtitution veſted in the crown, to be exerciſed with a privy-council, and by the adminiſtration of miniſters, who are reſponſible for the acts of the crown. The ends and purpoſes of this well tempered conſtitution are as apparent as they are wiſe and ſalutary. But it is none of them that the people, from which both the crown and the parliament derive their powers, ſhould not have a ſenſe of their own, or that they

they ſhould be deprived of the invaluable right of making that ſenſe known, both to the crown and the parliament. That right muſt remain ſacred and inviolable, ſo long as we enjoy the freedom, for the ſecurity of which both the crown and the parliament were entruſted with the powers they are ſeverally poſſeſſed off.

Q. 8. Would it not, of the two, be the moſt arbitrary proceeding in the crown to act contrary, and in oppoſition to the voice of his parliament, or to attempt governing without a parliament?

Anſ. The power of the crown is not, and therefore its proceedings cannot be *arbitrary*; not even in thoſe caſes in which it is *abſolute*. For it is always exerciſed by and with advice; and the adviſers are anſwerable for the act. This eſſentially diſtinguiſhes the acts even of abſolute power in this monarchy from the arbitrary proceedings of princes, whoſe *will* is the *law*, and whoſe miniſters are accountable to none but themſelves. It would not therefore, ſtrictly ſpeaking, be an arbitrary proceeding in the crown to act contrary to the advice of the parliament. But it would be *unconſtitutional* to do it, in matters relating to the adminiſtration of government, and the puniſhment of the miniſter to whom the act was found to be imputable would explain the nature, and ſhew the demerit of this offence. The *legiſlative power* muſt not however be confounded with the *executive part* of government. The parliament cannot be ſaid to *adviſe* the crown

crown, when either or both houſes paſs a law. It acts in that caſe in its legiſlative capacity, and not as the GREAT COUNCIL of the nation. And as either houſe has a negative upon the other, ſo the crown has, by the conſtitution, one upon both. In the exerciſe of it, more perhaps than in any other thing, the will of the crown *properly adviſed*, may, without impropriety, be called abſolute and unlimited. And as the crown is in this matter a truſtee for the people, having equal powers with the repreſentatives choſen by themſelves, it may, and for good reaſons (of which none can be more weighty than the general diſapprobation of the people properly manifeſted) ought to refuſe the royal aſſent to a bill, though agreed upon by both houſes of parliament. The propriety of ſuch a ſtep in the crown muſt ſtand upon the ſufficiency of the reaſons for it. And upon the ſame foot will ſtand the ſafety of the miniſter who ventures to adviſe the crown to it. Nor need any miniſter dread the reſentment of parliament, if he can ſatisfy the people of the rectitude of his advice to the crown.—To attempt to govern without a parliament (which is the ſecond alternative ſuppoſed in the query) would be to attempt to deſtroy the conſtitution, and to make a limited and mixed government give way to an abſolute and arbitrary power.

Q. 9. Has not the parliament in the ſtrongeſt manner, by ſo great a majority, approved the peace and the perſons who made it?

Anſ.

Anſ. The parliament did in a very ſtrong manner, by a great majority, approve of the preliminaries: and the perſons who accepted of the preliminaries have, in the ſtrongeſt manner, diſapproved of the parliament's approbation of them, by not chooſing to conclude a definitive treaty, without inſiſting for, and actually obtaining more advantageous terms than were agreed to by the preliminaries. Which has clearly ſhewn, that the peace, approved of by parliament, was not the beſt that could have been had, nor ſuch a one as ought to have been conſented to at firſt.

Q. 10. Is not every corporation (even the city of London in petitioning) every pulic company, nay even every private club, guided, determined, and governed by the majority of opinions?

Anſ. Moſt certainly every corporation (the city of London not excepted in petitioning or any thing elſe) every public company, nay even every private club, that has any order, and has no particular conſtitution to the contrary, is guided, determined, and governed by the majority of opinions: and as in acts a majority muſt be deciſive in counſels or opinions, their weight will be greater or leſs, according to the number and circumſtances of the majority and minority.

Q 11. Does the actual execution conſtitute a right of acting, and will the city of London's petitioning his majeſty to refuſe his aſſent to a bill to be preſented to them by his par-

parliament, and in that to act contrary to the advice of his and the nation's council, prove it to be right becauſe they did it?

Anſ. Acting *ſuppoſes* and gives reaſon to *preſume*, but does not conſtitute a right to act. The city of London's petitioning his majeſty nor to give the royal aſſent to a bill to be preſented to them by parliament, and in that not to agree with the then preſent, but fallible and mutable opinion of the parliament, in its legiſlative capacity, does not prove it to have been right to do ſo. Nor does the king's not having been of the ſame mind with the city of London prove, that it would have been wrong to have been ſo. And it might have been right for the city of London to have petitioned, though they had not actually done it; and for the king not to have given the royal aſſent to that bill, if he had received no petition at all againſt it. But the king's not giving the royal aſſent to any bill, that has paſſed both houſes of parliament, differs widely from his acting contrary to the advice of the parliament, when, acting as the GREAT COUNCIL of the nation, in affairs relating to the adminiſtration of government, of which the laws in being, and the fundamental rules of the conſtitution, are the true ſtandard.

Q. 12. Is there no mob in England? Are there no deſcendants of Wat Tyler's and Jack Straw's exiſtiſting? What would an aſſemblage of thoſe miſerable Engliſh wretches yearly hanged and tranſported, the many thouſands who are daily purſuing the ſame ſteps to deſtruction, be termed? What

were

were thoſe, whoſe indecent hiſſings, &c. at perſons of reſpectable and ſacred characters, ſtamp ignominy on a civilized people, and on liberty itſelf, but a mob? What were the inſulting acclamations, on a certain indecent proceſſion to the city, of the Independent Whig's Saviour, but the clamour of an ignorant intoxicated rabble? But I ſhall anſwer this quere myſelf, by ſaying, that though the giddy, ignorant, intoxicated and deceived rabble, may be the attendants, followers and emiſſaries, even of perſons of rank and fortune, they may nevertheleſs ſtill be a mob: nor is it any breach of good manners in ſtiling them ſuch, tho' they are our countrymen. Let the Independent Whig give a name to any body whatever, who ſhall ſet up to oppoſe the determination of king, lords, and commons, render them odious to the multitude, the ignorant unthinking wanton croud, and thereby attempt to overthrow the whole conſtitution.

I muſt beg leave to anſwer Mr. Independent Whig's *confirmation, that the voice of the nation* is *conſtitutional*, by the queſtion he aſks regarding Mr. Pitt's coming into the miniſtry in 1757, by another, viz. whether becauſe the Highland rebels did come into England, at a time when it could not be prevented, that it was by the voice of the Engliſh nation? It is well known that they both forced their way.

Anſ. There may be ſuch a thing as in the queſtion is meant by *mob* in England. But the PEOPLE OF ENGLAND is a known and a reſpectable name. I cultivate no acquaintance with

with the perſons, becauſe I abhor the principles of the deſcendants of Wat Tyler's and Jack Straw's, if any ſuch exiſt, who adopt their tenets, or approve their practices. Their rebellion ſhould be looked upon with a juſt deteſtation, at the ſame time that it preſents a ſad proof of the danger of ſubſtituting a *rigorous* inſtead of a *gentle* method of levying a tax, in itſelf unpopular, eſpecially when the people had been previouſly incenſed againſt ſome of their chief rulers. For ſuch are the circumſtances of that rebellion, as recorded in hiſtory. The aſſemblage deſcribed in the quere, would juſtly be termed, as the queriſt does term it, *a company of wretches*. I alſo think they might deſerve to be called a mob, who would make indecent hiſſings, &c. at perſons of reſpectable and ſacred characters; but the hiſſings of ſuch perſons can ſtamp ignominy only on themſelves, not upon a civilized people who do not countenance, nor on liberty which does not juſtify any miſbehaviour. It remains however to be proved, (and that is the queriſt's buſineſs) that the perſons hiſſed at were really of reſpectable and ſacred characters, for upon that depends the decency or indecency, and even the impropriety, of the hiſſings. Inſulting acclamations, on occaſion of any indecent proceſſion, to the city, or to any other place, may be preſumed to be the *noiſe* of an ignorant and intoxicated rabble. But acclamations will not of themſelves prove that they were of an inſulting kind: They ſhould rather naturally receive a different interpretation; and the indecency of the proceſſion muſt be ſhewn be-

fore any acclamations attending it can be fairly condemned.—There may be *wit*, but there is no *beauty* in the light uſe of a very ſacred word, whoever the perſon be whom the queriſt would point out by the deſcription of the *Independent Whig's Saviour:* and the wit may be thought by many to be miſplaced, by the application probably intended. One there is in this kingdom, of whom it is not too much to ſay (becauſe it is ſaid upon the authority of the great ſeal, and of the royal word publiſhed in the Gazette) that he has done great and important ſervices to his country. Ridicule will not faſten on ſuch a character, but will recoil upon thoſe from whom it comes.—It is not neceſſary to diſpute with the queriſt the truth or juſtice of the anſwer he gives to his own query, when he ſays, that though the giddy, ignorant, intoxicated and deceived rabble may be the attendants, followers, and emiſſaries, even of perſons of rank and fortune, they may nevertheleſs be ſtill a mob. For a mob, whether deſcribed by a ſtring of mobbiſh epithets, ſuch as there uſed by the queriſt, or by the one contemptuous monoſyllable, will ſtill be *but* a mob. One, however, ſhould be very ſure that the deſcription is applicable to the perſons meant to be deſcribed, before ſuch liberties are taken with our fellow ſubjects, who may be as good men as ourſelves. And thoſe who pay any regard to the *impartial* teſtimony of our gracious ſovereign, as well as they who, from their own conviction, are of the ſame opinion with his majeſty, as to the great and important ſervices done

done to this country, by the perſon who was juſtly honoured and rewarded by the crown on that account, will think (whatever the queriſt does) that it is a breach of good manners to attempt, however unſucceſsfully, to beſpatter with every *foul*, but *undefiling* language, thoſe of our countrymen who are diſpoſed to ſhew reſpect to the perſon who was ſo inſtrumental in reviving the ſpirit, and raiſing the glory of the nation. Nor ſhould any one make quite light either of the hiſſings or acclamations of what may be called the rabble. For as the trumpet is not the voice which it makes to be heard, neither is the ſound of the multitude, even of the loweſt ſort, to be conſidered merely as their own. When left to themſelves they generally but eccho the voice of their ſuperiors; and if they are at any time in the wrong, they ſeldom continue long ſo Their language, eſpecially when accompanied with an almoſt total ſilence of thoſe reſpectable bodies, which uſually addreſs the throne on great occaſions, is a mark, if not a proof, of the general ſenſe of the nation; which probably has made itſelf to be felt where it has not been at all agreeable.—— The Independent Whig, and the Moderate Whig too (with neither of whom I have any connection) may do as they pleaſe. I will give names to nobody. But altho' I may think them very blame worthy, whoever they be, that *without cauſe* ſet up to oppoſe the determination of king, lords and commons, and to render them odious to the multitude, *even* the ignorant, unthinking, wanton croud,

(which I hope is a thing not in the power of any ſet of men;) I muſt be of opinion, that their conduct is not leſs culpable, and that it muſt be of a much more dangerous tendency, who deny the capacity of the greateſt part of the nation to judge, or would deprive the PEOPLE OF ENGLAND of the right to diſapprove of determinations either of king, lords, and commons ſeverally, or of them altogether. THAT indeed I cannot help conſidering as an attempt to overthrow the whole conſtitution; and, if authorized, would not only ſhut the door againſt the moſt dutiful and lawful remonſtrances againſt the paſſing of laws, from which bad conſequences are feared, but would exclude all applications for the repealing of any laws in force, from which inconveniences have been felt.

I am not diſpoſed to dip too far into the ideas of the Independent Whig; nor do I expect to bring thoſe of the Moderate Whig to the ſtandard of mine. But to me it appears, that the voice of the nation, when uttered by the true organs of the conſtitution, is *conſtitutional*. I think, however, that mr. Pitt's coming into the miniſtry, 1757, was not ſo much a proof of that which did not (in my apprehenſion) need to be proved, as it was a ſign that the voice of the people is heard at the throne; and that it has ſometimes been thought not unworthy to be attended to by the crown. I am perſuaded it always will be, while princes reign amongſt us who place their glory in reigning for the peoples happineſs; which has been the endearing character

of

of the illuſtrious houſe of Hanover, ever ſince it was called to the crown by the voluntary ſuffrages of a FREE PEOPLE. But I cannot, I own, perceive the leaſt parallel between the circumſtances of mr. Pitt's coming into the miniſtry, and thoſe of the Highland rebels coming into England at a time when it *was not* prevented. Whether it *could* or *could not* have been prevented (as I think it would have been by the bravery of a few good Engliſh troops oppoſed to them) it is certain that it was not by the voice of the Engliſh nation that thoſe rebels came ſo far as they did. And though I cannot altogether agree to what the Queriſt ſays is well known that they forced their way, my own opinion being that they advanced with eaſe, not having been obſtructed; yet if it had been literally ſo, there is ſurely no ſimilarity between that and the other affair to which it is compared. The ſovereign who had the key of his own cloſet, opened the door of it to mr. Pitt. He did it in compliance with the voice of the PEOPLE — the people, whoſe voice is very well known, and eaſily diſtinguiſhed from the noiſe of a mob.-- That may be called *force*, but it is a *compulſion* without *violence*. Its efficacy proves the wiſdom of thoſe who yield to it, *not* the inſolence of thoſe who uſe it. The iſſue ſhewed, that the PEOPLE judged right in that inſtance, and they may do ſo in any other. Neither will the voice of the people be ſtifled by the harſh epithets of *mob*, *rabble*, *ignorant*, *wanton*, and all the reſt of them. And we would do well to take care, that when we pretend,

under ſuch deſcriptions, to cenſure the dregs of the people, we do not vilify the flower of the nation.

LETTER XXXIX.

AMong the number of miniſterial advocates who attempt to invalidate the Independent Whig, at length one appears with the words, "let FACTS decide the matter." The Independent Whig never deſires to appeal to any thing but FACTS. He ſaid, and he ſtill ſays, that the oppoſition is compoſed of thoſe who firmly ſupported *this* royal family on the throne; and thoſe who laid the foundation of all that glory which our arms have acquired, and of that ſpirit which might have given law to the world. He readily appeals for the truth of this aſſertion to the public in general, which he is confident has not, nor ever will, forget the ſteady and uniform aſſiſtance of the old duke of Newcaſtle, nor the ſpirit and wiſdom of mr. Pitt. The writer above quoted, having miſrepreſented the reſignation of theſe two great perſonages, it is in order to ſet the public right in this affair, that the Independent Whig troubles them at this time.

The firſt, he ſays, "reſigned his place be-
"cauſe the k—g would not grant him two
"millions for the ſervice, which it is notori-
"ous was afterwards executed at the expence
"of one." Now I do in this public manner take upon me to affirm, that the duke of Newcaſtle reſigned becauſe of an officious interfering in his departments; and becauſe, in direct

direct violation of the ſacred faith of Great Britain, the ſubſidy was not granted to our proteſtant ally, notwithſtanding it was promiſed his miniſter, by lord——, from January to April 1762. The reſignation of the noble duke has been frequently miſrepreſented, but this, in a few words, is the truth.

Of the reſignation of mr. Pitt, the writer above-mentioned ſays, "he reſigned his office "becauſe the k—g would not allow him to "guide himſelf and the whole nation." Now every nobleman and gentleman who has the honour of knowing mr. Pitt, and the ſecret ſprings of his meaſures, is perfectly convinced, that the only fault of him and his noble coadjutor, was, *the giving way too much.* As a proof of it, I would only appeal to his requeſt of ſending four ſhips of the line to Newfoundland, which in all probability would have prevented St. John's from falling into the hands of the French. But this wiſe and ſalutary propoſal, like many others, equally intereſting to great Britain, were oppoſed; and he, and lord Temple ſubmitted to that oppoſition. They ſubmitted time after time, till at length they found they muſt ſurrender their employments, or acquieſce in meaſures which they could not think for the honour and dignity of the crown.

The true ſtate of mr. Pitt's reſignation is this. He had received two *authentic* pieces of advice relative to the ſigning of the family compact. One [the copy of an article] it is now known to ſeveral noblemenn and gentlemen,

men, came from mr. Stanley, then our miniſter at Paris. The other, the receivers were never at liberty to declare. However, neither he, nor the noble lord, his coadjutor, had reaſon to doubt of the truth of their intelligence. The family compact was negociating at Paris all the ſummer; it was ſigned in Auguſt, ratified in the firſt week of September, and on the 18th of the latter month mr. Pitt and lord Temple, being thoroughly convinced that Spain *would* break with us, gave their advice in writing, TO RECALL LORD BRISTOL. Their motion was oppoſed. They had ſubmitted to oppoſition till they found it no longer for the true intereſt of the king and people to ſubmit; therefore they reſigned. And when they took their leaves of this third and laſt council, lord Granville, then lord preſident, expreſſed in his own nervous and manly eloquence "the almoſt inſurmountable "difficulties which mr. Pitt and lord Tem-"ple had had to ſtruggle with." Time having proved the rectitude of mr. Pitt's propoſal, can a greater compliment be paid to his wiſdom, ſpirit and foreſight, than the neceſſity his ſucceſſors were under of embracing his meaſures? which they actually did in EVERY department. And, having compleated the plans which he had laid down, what have they done ſince? Have they not committed the moſt egregious blunders in both public and private buſineſs? and are not *their* meaſures the cauſe of the preſent unhappy and alarming

alarming commotions, which reign throughout the kingdom?

An INDEPENDENT WHIG.

☞ The FACTS in the above letter are more fully related in the Review of Lord Bute's Adminiſtration.

LETTER XL.

THE motives for an oppoſition in the preſent criſis, have been variouſly canvaſſed, and moſt wickedly miſrepreſented. Some of the weak, or rather, the unintelligent part of mankind, have perhaps been deluded; but the diſcerning, of all ranks have ſeen through the fallacy, and deſpiſed the impotent efforts of thoſe, who have taken every mean and little art to impoſe upon the public. To detect falſe rumours, and to give *true* information, has ever been the Independent Whig's great aim. His motive for troubling the public at this time, is to undeceive ſuch of his fellow ſubjects, as may have been deceived, in what are the TRUE reaſons for the preſent oppoſition, which is now ſo formidable and reſpectable.

Deſigning men, whoſe aim is to miſlead, becauſe *in truth* they can have no ſupport, have ſaid 'that the oppoſition is formed 'againſt the king;' and by a cry of this malignant and falſe nature, they have hoped to poiſon the minds of the people, and ſet them, if it were poſſible, againſt the known ard tried friends of their country and its liberties. But they have been deceived: the public would not believe them. The TRUE motives for an aſſo-

aſſociating of the Whigs, who placed *this* royal family upon the throne, and thoſe who *accompliſhed* the immortal glories of the war, are, not to *enſlave* M——, but to ſet it FREE; and, by breaking the chains of captivity and bondage, lay open to it the extenſive ſcene, where it may roam at large, and ſee the real affections of a free, a brave, and loyal people; where it may enjoy thoſe bleſſings of liberty, which Tories and evil counſellors have ever conſidered as the worſt enemies to their deſpotic deſigns; where it may be happy in union and harmony with the people, and the bleſſings of its own liberty made permanent. The oppoſition is not to oppoſe, but to reſcue M——; not to oppreſs, but to relieve it; not to confine, but to deliver it. The noble blood which has aſſociated has ever been ready to be ſpilt, in the ſupport of liberty, and *this* royal family. It has been gratefully reſpected by our kings; one of whom (his late majeſty) bravely ſaid, when a number of Tories were recommended to his royal favour, 'My——, I always took you for a good 'ſubject, but I wonder you ſhould recommend ſuch people as theſe; it was by the 'Whigs I was brought in, and by the Whigs 'I'll ſtand and fall.' The king is the protector of liberty, and the Whigs are its ſupporters.

They are revered, and almoſt adored, by the whole nation for their ineſtimable ſervices. None can be ignorant to whom we owe the happy eſtabliſhment of *this* royal family. None

None can be ignorant to whom we owe the glories of the war. To ſee ſuch men aſſociate and unite in an oppoſition, is matter of ſuch ſerious conſequence, that the moſt ignorant of us all cannot but think the MEASURES and DESIGNS which they oppoſe muſt be prejudicial to our true intereſts. Every honeſt man will naturally make this inference, who allows himſelf but a moment to reflect on the preſent ſtate of things.

MEASURES we have ſeen. A peace that has reſtored our enemy to his loſt power; raiſed him, as it were, from the duſt, in order to enable him to begin another war. An exciſe that is a moſt daring attack on our liberties, and conſequently utterly abhorred by the whole people; who cannot, who will not, ſubmit to this badge of ſlavery, the firſt bleſſing of peace, after we have ſo chearfully and unanimouſly ſupported the burdens of war.

DESIGNS we can only ſuſpect. Placemen and penſioners have been augmented till they are innumerable: the lords and the grooms of the bed-chamber are double: every obſolete and uſeleſs place has been revived: ſalaries have been augmented: penſions have been diſtributed with profuſion. What can all this tend to, but the ſupport of the miniſtry, who hold the rod of deprivation over heads that may become refractory? But, to increaſe our wonder more, what could be the motive for lately inviting to court, him who had been proclaimed unfit for *future* ſervice, at the head of all our regiments? Could a greater

indignity, nay inſult, be offered to the army, or a greater affront to prince Ferdinand, who ſo bravely and glorioufly commanded it? He was indeed admitted to ——— while his late majeſty lay dead in his palace; but the true friends of the honour of the crown, and thoſe who laid the foundations of all that glory which the army has acquired, of that ſpirit which might have given law to the world, remonſtrated againſt it with ſo much firmneſs, that he was forced to abſcond, and never preſume again, during the courſe of the war, to ſhew his face at court. But dignity and mr. Pitt are now no more!

An INDEPENDENT WHIG.

[The next production of the INDEPENDENT WHIG, was a pamphlet in quarto, entitled, "A LETTER TO THE RIGHT HON. "GEORGE GRENVILLE," with this motto,

Quem maxumè odiſti, ei maxumè obſequeris: aliud ſtans, aliud ſedens, de rep. ſentis: his maledicis, illos odiſti, leviſſume tranſfuga: neque in hâc, neque in illâ parte fidem habes. SALLUST.

[This pamphlet contains many FACTS relative to mr. Wilkes's caſe, with ſtrong arguments thereupon, and is extremely well worth the peruſal of all thoſe who would clearly underſtand that affair.]

LET-

LETTER XLI.

An Eſtimate of the Debt of the Navy, as it ſtood December 31, 1762.

Wear and Tear, Ordinary and Tranſports.	Particulars. £.	s.	d.	Total. £.	s.	d.
Due To pay off all the bills regiſtered on the courſe of the navy for ſtores, tranſports, &c. —— ——	1767576	12	11			
To pay off bills regiſtered on the ſaid courſe for premiums allowed by act of parliament on naval ſtores —— ——	19824	8	8			
For freight of tranſports and tenders, and for ſtores delivered into his majeſty's ſeveral yards, &c for which no bills were made out on the aforeſaid 31ſt of December, 1762, as alſo to ſeveral bills of exchange —— —— ——	793893	14	7			
To the ſeveral yards and rope yards for the ordinary and extraordinary —— ——	426312	0	0			
For half pay to ſea officers, according to an eſtabliſhment made in the late reign on that behalf —	26787	5	3			
				3034394	1	5

Seamen's Wages.

Due to pay the men, &c. unpaid on the books of ſhips paid off	877709	14	6		
To ſhips in ſea pay on the aforeſaid 31ſt of December, 1762.	2231812	0	0		
To diſcharge all the bills entered in the courſe for ſlop cloaths, bedding for ſeamen, ſurgeons neceſſaries, freights, &c.	113776	1	2		
				3223297	15 2

Victualling Debt.

Due For ſhort allowance of his majeſty's ſhips in pay, and which have been paid off	18011	6	9		
For paying off all the bills entered on their courſe	1174138	17	6		
For proviſions delivered and ſervices performed, for which no bills were made out on the aforeſaid 31ſt of December, 1762	46275	10	2		
For neceſſary money, extra neceſſary money, bills of exchange, and contingencies	23411	7	10		

For ſecret ſervice, exchange, and contingencies		23411 7 10	
To the officers, workmen, and labourers employed at the ſeveral ports		67484 13 0	
			1329321 9 3

Debt of ſick and wounded.

Due For the quarters and cure of ſick and wounded ſeamen ſet on ſhore from his majeſty's ſhips at the ſeveral ports, and for priſoners of war and contingencies relating to the ſaid office			113628 15 5
The total amounts to			7700642 1 3
From whence deducting the money in the treaſurer's hands	503616 15 3		
And alſo the money that remained to come in of the ſupplies	1267900 10 10		1771517 6 1
The debt will then be			5929124 15 1

N. B. In this debt is included for charge of tranſports, between the 1ſt of January, 1762, and 31ſt of December following	734064	3	7		
The expence of victuals ſupplied the ſoldiers, between the 1ſt of January, 1762, and 31ſt of December following	129908	3	1	863972	6 8
The nett debt of the Navy				5065152	8 5

LETTER XLII.

Supplies granted by Parliament for the Service of the Year 1763.

NAVY.	Sums Voted.		
Dec. 2. For 30,000 ſeamen, at 4l. per man per month, for 13 months	1,560,000	0	0
Feb. 3. For the ordinary of the navy, and half pay	380,661	3	11
Towards completing the hoſpital near Plymouth	3,000	0	0
Upon account for ſeamen who ſhall not be provided for in Greenwich-hoſpital	10,000	0	0

24. For building and repairs of ſhips

Upon account for ſeamen who ſhall not be provided for in the hoſpital — — — — — — 10,000 0 0

24. For building and repairs of ſhips for 1763 — — — — 100,000 0 0

ORDNANCE.

March 1. For the charge of that office — — — — 204,329 0 0

LAND-SERVICE.

Dec. 7. For extra expences of land-forces, and other ſervices, from December 1761, to Oct. 1762 — — — — 1,588,756 15 5

Feb. 8. For do. from Nov. 1, 1762, to Feb. 19, 1763 — — 951,249 0 6

March 11. For 2120 horſe, 9900 foot, the troops of Heſſe, and ſubſidies, 85,158 14 8

For an additional corps of ditto — — — — 87,690 18 6

Augmentation of ditto troops — — — — 45,420 6 6

For 1444 horſe, and 2330 foot, the troops of Brunſwick, and ſubſidies, 49,308 1 1

For deficiency in ſum voted laſt ſeſſion for ditto troops — — 4,328 8 5

7. For guards, garriſons, &c. from Dec. 1762, to April 1763 — — 485,317 2 10

For do. from April 1763, to 24 December following — — 408,372 13 4

For the forces in the Plantations, Gibraltar, Guadaloupe, Martinico, the Havannah, from Dec. 1762, to April 1763 — — 278,893 11 0

For ditto in the Plantations, Minorca, and Gibraltar, from April 1763, to December following — — — — — — 281,781 3 6

For General and Staff officers in Great Britain, for 1763 — — 11,291 8 6

For two regiments of horſe in Germany, and four regiments of foot in North America, on the Iriſh eſtabliſhment	16,438	7	0
For four regiments of foot in the Eaſt Indies	71,381	16	8
10. For defraying the charge of pay, &c. of the militia for one year, beginning March 25, 1763	150,000	0	0
15. To complete the payment of 220,000 l. to the Landgrave of Heſſe, purſuant to treaty	50,000	0	0
17. For penſions to reduced officers widows	1,742	0	0
To reduced officers of land forces and marines	33,351	17	6
For allowances to reduced horſe guards	2,910	1	8
19. For Out penſioners of Chelſea Hoſpital	51,708	13	4

SUNDRY SERVICES.

Feb. 17. For Weſtminſter Pavements, &c.	5,000	0	0
24. To diſcharge ſupply of credit of laſt year	1,000,000	0	0
March 7. On account of naval exchequer bills iſſued laſt year	1,500,000	0	0
15. To the Foundling Hoſpital	40,050	0	0
Nova Scotia in 1760	4,589	13	11
Civil eſtabliſhments of ditto for 1763	5,674	1	10
Ditto —— of Georgia from June 24, 1762, to June 24, 1763	4,136	0	0

Civil eſtabliſhments of ditto for 1763			
Ditto ——— of Georgia from June 24, 1762, to June 24, 1763 —	4,136	0	0
17. To the Provinces in North America ——— ———	133,333	6	8
To the Britiſh forts and ſettlements on the coaſt of Africa ———	13,000	0	0
To diſbanded officers ——— ——— ———	88,704	3	4
To Mr. Harriſon relating to the longitude ——— ——— ———	5,000	0	0
19. For making good what has been iſſued by his Majeſty's orders purſuant to addreſſes ——— ——— ———	6,410	5	10

DEFICIENCIES.

March. 15. To make good deficiency of half ſubſidies of tonnage and poundage, to Jan. 5, 1763 ——— ——— ———	49,558	1	6
To make good to the ſinking fund the deficiency of the duties on offices and penſions. — — — —	48,891	14	11
Ditto of additional duties on beer and ale — —	26,1720	0	0
17. To make good the deficiency of laſt grants ——— ———	7,151	9	1
Total —	9,851,300	10	10

Ways and means for raiſing the Supply.

Dec. 4. Duties on malt ——— ——— ——— ———	750,000	0	0
9. Land tax ——— ——— ——— ———	2,000,000	0	0

March 8. By annuities and two lotteries	3,500,000	0	0
19, Out of the ſinking fund	2,000,000	0	0
By money remaining in the Exchequer, being the ſurplus of the ſeveral duties on beer and ale	47,120	9	6
By loans or Exchequer bills, to be charged on the firſt aids granted next ſeſſion	1,800,000	0	0
	10,097,120	9	6

Note. Feb. 7. The principal on navy, victualling, and tranſport bills, made out before Dec. 31, 1762, and delivered March 25, 1763, amounting to the ſum of 3,075,316l. 3d. was ordered to be, with the intereſt, converted into four per cent. annuities.

Note alſo, Feb. 17. The principal on ordnance debentures, dated before Dec. 31, 1762, and delivered before March 25, 1763, amounting to the ſum of 595,423l. 2s. 5d. was ordered to be converted into the like annuities.

Note likewiſe March 8, was voted an additional duty of 8l. per ton upon French wines, and 4l. per ton upon all other wines imported; and the money to be raiſed by annuities and a lottery were charged thereupon.

Note further, March 14, was voted an additional duty of 4s. per hogſhead upon all cyder and perry made within this kingdom; and 2l. per ton upon all cyder and perry imported.

LETTER XLIII.

[On the 30th of april the ſecretaries of ſtate apprehended mr. Wilkes and committed him a cloſe priſoner to the Tower. This event greatly alarmed the nation, and occaſioned a number of very fine letters, of which the following are eſteemed the principal and beſt.]

THE ſending of mr. Wilkes to the Tower has occaſioned an univerſal alarm. Miniſters ſhould weigh matters well before they take ſuch ſteps as can only ſerve to irritate a whole nation. The flame of diſcontent is now very high and general throughout the kingdom. We know when it began, and who were the authors; but there is now no knowing where it will end.

In the reign of Charles II. when a loud cry was raiſed about the *prerogative* and *independency* of the crown, and when the kingdom was diſtracted by diviſions, that tyranic prince, irritated by a petition from the city of London, vented his malignity, ſays Rapin, on ſuch of the news writers (ſee anno 1681) as were not of his party, by ſending them all to priſon; while thoſe who were of his, or his miniſters ſide, had liberty to daily publiſh invectives againſt the Whigs, to abuſe and inſult their country, and preach up a doctrine that evidently tended to the abridgment of its liberty.

In theſe days, during the reign of a Britiſh prince, it is impoſſible we ſhould find any thing ſimilar. No man will think of drawing

a

and perry made within this kingdom; and 2 l. per ton upon all cyder and perry imported.

a compariſon from the Briton and Auditor, which were wrote in behalf of a miniſter that has retired from his *public* character, becauſe they lived and died in contempt; whereas the others flouriſhed during that and part of the ſucceeding reign, till James II. was compelled to fly by our great deliverer king William III. It muſt indeed be acknowledged, that the Briton and Auditor were deteſted by the public in general, and by every honeſt man in particular, becauſe they weekly contained the moſt infamous faſhoods which ever came from the preſs; their language was ſcurrillous, low, and indecent, and they were continually calling all the people of England a *mob*, and perſonally abuſing thoſe whom the people do, and ever will, approve. That ineſtimable bleſſing, the liberty of the preſs, was never ſo much abuſed as by theſe writers. Some miniſterial tool may perhaps deny it, and name the North Briton: but I would aſk him, how often has the North Briton told truths? and did they ever once? It is now too late to attempt making his patrons popular: the body of the people, of all ranks, from the higheſt to the loweſt, are too much incenſed againſt them.

A Free Born ENGLISHMAN.

LETTER XLIV.

THE leaſt ſtep towards ſuppreſſing the liberty of the the preſs, alarms every good Engliſhman. If we are ever unfortunate enough not to dare to declare our opinions, from that

that moment our darling liberty has loſt its beſt guardian. We ſhall then be in the condition of the ſheep who had given up their dogs. Danger, when pointed out to us, may be avoided; for the proverb ſays, "forewarned, fore-armed." But when our dogs are gone, our houſe may be robbed whilſt we ſleep. Good princes have ever bore patiently even the abuſe of this freedom. A famous Greek, who ſuffered from the virulence of calumny, inſtead of puniſhing the offenders, ſaid, "I fought that the Sicilians might be free; thanks to the Gods that they now can give this inſtance of their freedom." A miniſter, who wiſhes to ſilence the preſs, may properly be compared to thoſe barbarians, who are ſaid to have put out the eyes of their ſlaves, that they might more chearfully turn a mill-ſtone. The defenders of the liberty of the people are not on an equal footing with its oppoſers: their words, though innocent, may be diſtorted into treaſon by a wicked lawyer; they may be impriſoned by an arbitrary ſecretary of ſtate; they may be repreſented to a monarch as unfit to ſerve their country. In ſpite of theſe diſadvantages, I hope there ſtill remains in England a race of patriots, who, like the immortal Athenian, will hold the ſhip with the right hand; if it ſhould be cut off, with the left hand; if that too is cut off, with their teeth.

OBSERVATOR.

LET-

LETTER XLV.

Toaſts drank by the friends of George the third and Old England.

THE liberty of the preſs ;—the privilege of parliament;—and no extention of exciſe;—or, in a word, COL. WILKES!

Confuſion to oppreſſors, wherever found; no affront to the ſecretaries of ſtate; the bit of wood; or, the king's meſſengers!

May the Scotch retire to cure their itch; i. e. of engroſſing the whole power of England!

May P—— C——W——, eſq.; be rewarded like Alexander the copperſmith!

May the Baſtile be confined to France; and the Tower to its original uſe!

As exhibitions are in vogue, may the Engliſh connoiſſeurs be ſpeedily entertained with a proper exhibition of our excellent miniſtry, including thoſe that have lately ſkulked!

As during the war England was in peace, may Heaven avert the contraſt!

May the united voice of the people of England be more prevalent than that of placemen and penſioners!

May the governor of the Tower's black liſt become white; or, may the proſcribers be proſcribed!

May all Engliſhmen, like lord Temple, prefer a chriſtian and friendly action, to a place of power and profit! B. X. P.

LET-

LETTER XLVI.

SIR WILLIAM TEMPLE, in relation to king CHARLES II. ſays, in his Memoirs, p 28, 29, edition 8vo. " At a long audience in his cloſet,—I ſhewed— that the force ſeeming neceſſary to ſubdue the liberties and ſpirits of this nation, could not be eſteemed leſs than an army of 60,000 men, ſince the Romans were forced to keep twelve legions to that purpoſe, the Normans to inſtitute 62,000 knights fees, and Cromwell left an army of near 80,000 men. That I never knew but one foreigner that underſtood England, which was Gourville, whom I knew the king eſteemed the ſoundeſt head of any Frenchman he had ever ſeen. That when I was at Bruſſels in the firſt Dutch war, and he heard the parliament grew weary of it, he ſaid, the king had nothing to do but to make the peace. That he had been long enough in England, ſeen enough of our court, and people, and parliaments, to conclude,

" *Q'un Roy d' Angleterre, qui veut être l' homme de ſon peuple, eſt le plus grand Roy du monde; mais s'il veut être quelque choſe d' advantage, par Dieu il n'eſt plus rien.*

" *That a king of England, who will be the man of his people, is the greateſt king in the world; but if he will be any thing more, by G — he is nothing at all.*

" The king heard me very attentively, but ſeemed a little impatient at firſt; yet at laſt he ſaid, I had reaſon in all, and ſo had Gourville;

ville; and laying his hand on mine, he added, *Et je veux être l'homme de mon peuple: And I will be the man of my people.*"

LETTER XLVII.

IN the reigns of ſome of our weak and indolent princes, many were the inconveniencies and hardſhips, yea, oftentimes infringments of liberty were the lot of the ſubjects.

For by the incapacity or lazineſs of the prince, the reins of government were given into the hands of haughty and deſpotic miniſters, who would hearken to no remonſtrance, or bare any controul; and he, or they, having the ear of the prince, made him believe, that every one who complained, however juſt was the complaint, ſuch was diſloyal and diſaffected to his perſon and government; and the leaſt fault found in the miniſter, or his conduct, was treaſon againſt the prince. Witneſs the reigns of king Charles I. and II. one a weak, the other an indolent prince. For to ſuch a degree of malice do ſome miniſters arrive at, that they will even deſcend to ſo low and mean actions, as to deprive men of ſmall or trifling places or commiſſions under the government, to ſatisfy their revenge, for the leaſt affront or ſarcaſm thrown on them. That Archbiſhop Laud could not bear the ſarcaſm of a fool, may be ſeen by the order of council made againſt Archibald, the king's fool, for affronting him.

The order of council againſt Archibald Armſtrong, the king's fool, for affronting Archbiſhop Laud. [Ruſhworth, part 2, vol. 1, page 471.]

It

It is this day ordered by his majeſty, with the advice of the board, that Archibald Armſtrong, the king's fool, for certain ſcandalous words, of a high nature, ſpoken by him againſt the lord Archbiſhop of Canterbury, his grace, and proved to be uttered by him by two witneſſes, ſhall have his coat pulled over his head, and be diſcharged of the king's ſervice, and baniſhed the court; for which the lord chamberlain of the king's houſhold is prayed, and required to give order to be executed.

And immediately the ſame was put in execution.

LETTER XLVIII.

QUERIES

1. WHETHER the apprehenſion of mr. Wilkes under a warrant *without oath, and without name*, is not illegal?

2. Whether in either of the warrants, which have been iſſued, the *uſual* and *neceſſary* word FALSE is to be found among the epithets applied to the ſuppoſed libel, No. 45 of the *North Briton?*

3. Whether every diſingenuous and unfair method was not employed by the ſecretaries of ſtate to elude the effect of the firſt *habeas corpus?*

4. Whether the commitment of mr. Wilkes to the Tower for a *bailable* offence, and yet for above two days preventing any perſon from having acceſs to him, was not depriving him

of all poſſibility of offering *bail*, and is not therefore a direct act of injuſtice, and a violation of the laws of England?

5. Whether the counſel, relations, and friends, of the lords *Lovat*, *Kilmarnock*, *Cromartie*, *Balmerino*, *&c.* committed to the Tower for *high treaſon*, were not from the firſt moment admitted to them?

6. Whether the *firſt warrant*, under which mr. Wilkes's perſon was ſeized, his houſe rifled, his locks broke open, and his papers carried off, is not *univerſally* allowed to be arbitrary and tyrannical?

7. Whether (except in caſes of high treaſon) the *papers* of any *Engliſh* ſubject ought ever to be ſeized, and whether all apparent proof being believed to be deficient, this is not tobe deemed a moſt odious method of *fiſhing for evidence?*

8. Whether mr. Wilkes did not from the the firſt reſt his caſe on *the univerſal liberty of the ſubject*, and not on *privilege* only?

9. Whether the many proſecutions now carrying on by mr. Wilkes at ſo great an expence, bear the leaſt relation to *privilege*, and whether they are not clearly in vindication of the liberty, property, domeſtic quiet, and ſecurity of every *Engliſhman?*

10. Whether mr. Wilkes was admittted to ſee any one of his accuſers, and whether there is yet any accuſation *on oath* againſt him, relative to the *North Briton*, No. 45?

11. Whether mr. Wilkes has not been treated as *guilty*, though juſtice as well as candour would yet pronounce him *innocent*, the law of *England* never *preſuming guilt?* 12.

12. Whether *ſureties of the peace* have been demanded or taken from any of the perſons ſuppoſed to have been concerned in the *North Briton*, No. 45?

13. Whether in all caſes of *breach of the peace*, the *ſubject* has not a right to be diſcharged from his confinement upon giving *ſureties for the peace*, and whether *a member of parliament* can be diſcharged, without giving them, if demanded?

14. Whether every ſubject of *England* is not intereſted in the preſervation of the *privileges of parliament*, the houſe of commons being the guardians of the liberties of the people againſt the deſpotiſm of miniſters?

15. Whether the *privileges of parliament* have not been extorted from *former kings*, and whether they have not ever been conſidered as the firmeſt barrier of the *Engliſh* nation againſt the encroachment of the crown, when unhappily under the influence of arbitrary miniſters?

16. Whether any one fact reflecting on mr. Wilkes's private character has been yet aſcertained, and whether, (as in the caſe of the *Wincheſter* falſehood of *lord Bute's ſon*) any proof whatever has been brought to ſupport the infinite calumnies ſo induſtriouſly propagated againſt mr. Wilkes?

17. Whether it be not the clear language of the conſtitution, that *the king can do no wrong*, but that ſome miniſter is reſponſible for the exerciſe of all the royal functions, of *peace*, *war*, and even the darling attribute of *mercy*, not excepted?

18. Whether the *king's ſpeech* has not at all times been adviſed and made by miniſters, and whether it is not the language of *every* conſtitution, that *good kings* may be ſurprized and impoſed upon by *bad miniſters?*

19. Whether the *liberty of the preſs*, which is always deemed the bulwark of all our liberties, can ſubſiſt, if there be a privileged vehicle of fallacy?

20. Whether in the *North Briton*, No. 45, there appears the leaſt intention of villifying the ſacred dignity of *royalty*, and whether the whole charge is not printed againſt *adminiſtration—contrary to the opinion of royalty itſelf—a prince of ſo many, great, amiable qualities, whom England truly reveres—the perſonal character of our preſent amiable ſovereign makes us eaſy and happy that ſo great a power is lodged in ſuch hands?*

Standing order of the houſe of lords, April 18, 1626.

THE privilege of the houſe is, that no lord of parliament, ſitting the parliament, or within the uſual times of privilege of parliament, is to be impriſoned or reſtrained, without ſentence or order of the houſe, unleſs it be for treaſon, or felony, or for refuſing to give ſecurity for the peace.

Standing order of the houſe of commons, June 1, 1621, 19 Jac.

ORDERED upon the QUESTION, That in caſe of *any arreſt*, or any diſtreſs of goods, ſerving any proceſs, citation for *his perſon*, *arreſting his perſon*, ſtaying him in any court,

court, or BREAKING ANY OTHER privilege of this houſe, *a letter ſhall iſſue under mr. Speaker's hand, for the party's relief therein*, as if the parliament were ſitting; and the party refuſing to obey it, to be cenſured at next meeting.

LETTER XLIX.

THE ſixth article of impeachment of high treaſon and other great crimes and miſdemeanours, againſt ſir *William Scroggs*, chief juſtice of the court of *King's Bench*, by the *commons* in *parliament*, A. D. 1680, is expreſſed in the following words. "That the ſaid ſir *William Scroggs*, in further oppreſſion of his majeſty's liege people, hath ſince his being made chief juſtice of the ſaid court of *King's Bench*, in an arbitrary manner, granted divers general warrants for attaching the perſons and ſeizing the goods of his majeſty's ſubjects, *not named or deſcribed particularly in the ſaid warrants*; by means whereof many of his majeſty's ſubjects have been vexed, their houſes entered into, and they themſelves grievouſly oppreſſed contrary to law."

Query? Was mr. Wilkes either *named* or *particularly deſcribed* in the warrant iſſued by the ſecretaries of ſtate for attaching his perſon? If not, what cenſure would the houſe of commons, who impeached ſir *William Scroggs*, have paſſed upon them for granting a warrant againſt *a perſon not named or particularly deſcribed in the ſaid warrant*.

LET-

LETTER L.

THE privilege of parliament was wiſely ordained for the ſecurity of the ſubject; who, having repoſed his liberty and property in his repreſentative in parliament, expects that protection from him which may be neceſſary againſt the deſigns or the attempts of any of the wicked inſtruments of power. Therefore, for the good of the whole, the perſons of members of parliament were exempted from attachment, unleſs it could be proved that they had been guilty of felony, treaſon, or breach of the peace.

In this exemption is ſacredly depoſited the certain ſafety of the liberties of the people; for while a member of parliament avoids thoſe offences, he cannot be cognizable for his conduct; and therefore, however he may give umbrage to a miniſtry, or be obnoxious to a court, he is yet ſafe in his perſon, and may therefore continue to be the advocate of our liberties and intereſts. To the benefit of this privilege we owe all the oppoſition which has been made, time immemorial, to tyrannic miniſters and arbitrary proceedings: for members being thus uncontroulable, act with that free will and ſpirit which is abſolutely neceſſary for the preſervation of that great truſt repoſed in them. If they were under a reſtraint with reſpect to ſuch freedom, the liberties and the intereſt of the people would ſoon be ſacrificed, becauſe they would not be able to defend them. The ſecretaries of ſtate would every

every day be committing them to one goal or other, and perhaps in the ſpace of half a ſeſſion we ſhould be robbed of half our repreſentatives.

It is therefore evident, that on the privilege to which our members of parliament are entitled, our ſecurity depends. But there is an end of this privilege, and with it the liberties of the people, if the king's meſſengers, ſent by the ſecretaries of ſtate, are allowed to enter the houſe of a member of parliament at midnight, carry away his perſon by force, break open his locks, and ſeize his papers for evidence againſt him. I ſay, if ſuch STAR CHAMBER PRACTICES are allowed, our boaſted liberty, for which our anceſtors fought and bled, is at an end. Our members will all be ſcrupulous in oppoſing the miniſters, fearing leſt their oppoſition ſhould be termed an oppoſition to the king, and upon *that charge* their houſes become ranſacked, and their perſons toſſed about from hand to hand, and at length ſequeſtered in a goal.

The caſe of a member of parliament, wherein his privilege is violated, appears to me, and ſo it muſt to every man, as not the caſe of that member only, but of the whole people of England, who are as eſſentially concerned in the preſervation of that privilege, as they would be materially affected by the loſs of their liberties. The privileges of the members, and the liberties of the people, are inſeparable: the former was made for the effectual preſervation of the latter againſt arbitrary and ill deſigning men,

men, and therefore with the loſs of thoſe privileges we muſt inevitably loſe our liberties, which I believe will never be but with our lives. HAMPDEN, *Bucks.*

LETTER LI.

I AM a tradeſman of very extenſive buſineſs, whereby I have made an eaſy fortune. In the early part of my life, the increaſe of my trade was almoſt the only object of my attention; but ſince my fortune has been more eaſy, I have thought it my duty to give ſome attention to the affairs of the public. I had been informed that an attack had been made upon the liberties of my country, in the perſon of mr. Wilkes; and though from ſome private circumſtances known to me in the courſe of my buſineſs, (which is that of a diſtiller) I could have wiſhed the liberties of my country had found a better champion. I ſoon reſolved to forget the man, and thinking only of the cauſe, became ſo zealous, that I went for three mornings to Weſtminſter-Hall upon his account. I was preſent at his diſcharge on Friday; and on my return to the city, I went directly to a very worthy man who manages my law buſineſs, and to whoſe good ſenſe I have been more than once obliged, in the courſe of my life. I told him with great joy of the glorious determination that had been given in favour of liberty, and invited him to go home with me, and drink the health of mr. Wilkes, earl Temple, and lord chief juſtice Pratt. But what, ſays he, is the determination?

tion? I explained to him, that the warrant of commitment had been declared legal: but notwithſtanding as a libel was not an actual breach of the peace, mr. Wilkes being a member of parliament, muſt be diſcharged. And is this, ſays he, the determination you are ſo overjoyed with? What protection is this to your liberty or mine? Is then privilege of parliament become ſo popular a topic? Surpriſed at the reception my news found from him, Why, ſaid I, don't you think this deciſion is according to law? 'Tis that I regret moſt, ſaid he, and I dare ſay the court was very ſorry to pronounce it; but if it is law, they could not help it. Pray, ſaid I, explain what you mean, for I don't underſtand all this. You'll underſtand it ſoon enough, and feel it to your coſt, ſaid he; you remember the bill you directed me to file laſt year againſt mr. ——, for the 2000 l. mortgage? Aye, I may well remember it, after ſo many delays before we could come at his anſwer, and ſo many fair promiſes of payment, to defend himſelf by accuſing me of taking exorbitant intereſt; but I hope you'll loſe no time in carrying on the indictment againſt him for that perjury. I beg your pardon, ſaid he, I ſhall proceed no farther; thank God I have not taken him up, the firſt loſs is the cheapeſt; take back your papers, pay me my bill of coſts, and make yourſelf eaſy with the loſs of your 2000 l. for as long as he has privilege you can never try him. Good God, cried I, and have I been rejoicing for this? Can't a man be tried without

out

out he be committed? No ſurely, ſaid he, for how otherwiſe ſhall he be forced to plead? But your caſe will ſoon be other people's. Look there in the beginning of that Hawkins, (pointing to a folio upon his table) how many crimes there are which are neither treaſon, felony, nor actual breach of the peace; all theſe a peer, or member of parliament, is, by what you tell me, privileged to commit. After looking at this Hawkins, I could not help owning, that though I was not much concerned that mr. Wilkes ſhould have a right to ſay what he pleaſed of the king and the miniſtry; I was a good deal uneaſy to think that mr. ——— knew he had a privilege to ſwear againſt my life or property, to cheat me of my goods, to ſeduce my daughter, nay, ſet up a bawdy-houſe at next door, and keep her there publickly. 'Tis very true, ſaid my friend, there is no great reaſon to rejoice at this, but ſo the law is. And does this alſo extend to all great people's ſervants? To all: Bleſs me, ſaid I, I hope the houſe of commons will alter it: they are very good if they do, ſaid he, the nation will have reaſon to pray for them; but they won't meet theſe ſix months. I hope, ſaid I, the king will call them together ſooner: what for our ſake? have we been ſo thankful to him for giving up ſome of his own privileges, for reducing his civil liſt, and making his judges independant?

While he was ſaying this, I took up a Court Calendar, and being uſed to figures, made the following calculation. Engliſh

Engliſh Peers — — — —	187
Arch-Biſhops and Biſhops ——	26
Scotch Peers — —	98
Members of Parliament — —	558
Total	869
Servants upon a medium of eight to each, which is rather too low — —	7100
Total of privileged perſons	7985

I then took from Hawkins the following liſt.

Crimes in which there is privilege.

I. Blaſphemy.

II. Præmunire of which there are nine ſorts —— —— 9

III. Miſpriſion of treaſon — 1

IV. Contempt of the king's palace or court of juſtice — — — 1

V. Contempts againſt his prerogative, of which there are three ſorts 3

VI. Contempts againſt his perſon, ſix ſorts, viz.

1. Charging the government with oppreſſion, or weak adminiſtration.
2. Doing an act which impliedly encourages rebellion.
3. Endeavouring to frighten the king into a change of meaſures.
4. Spreading falſe rumours concerning the king's intentions.
5. Charging him with a breach of his coronation oath.
6. Speaking contemptuouſly of him. 6

VII. Contempts againſt his title, four ſorts	4
VIII. Petit Larceny — —	1
IX. Breach of duty by officers —	1
X. Bribery — —	1
XI. Extortion ———	1
XII. Perjury ———	1
XIII. Forgery — —	1
XIV. Cheats — — —	1
XV. Conſpiracy — —	1
XVI. Libels — —	1
XVII. Keeping a bawdy-houſe	1
Total of crimes	34

The reſult is, that there are 34 crimes which 7985 perſons have a privilege to commit, without any reſtraint, for at leaſt ſix months in the year, the uſual receſs of parliament.

If any perſon has a mind to carry the enquiry farther, he need only multiply the crimes by the perſons, and divide the total by the number of days in ſix months, and the quotient will give him the number of crimes that may be committed with impunity in a day.—After having made this calculation, I came home, very much out of humour with my own politicks; and I did not drink the healths of mr. Wilkes, earl Temple, nor of lord chief juſtice Pratt.

Baſinghall-Street, I am, &c.
Saturday. A. B.

P. S. Perhaps it would be more accurate, if whoever makes the calculation I have mentioned,

tioned, would take the trouble of ſubſtracting the archbiſhops and biſhops for themſelves, though not for their ſervants.

LETTER LII.

THE writer from Baſinghall-ſtreet, gives the beſt reaſon that can be given for the inconſiſtency there is in his letter, by confeſſing the extreme ignorance he laboured under of the ſubject he has thought fit to write upon. But that is no apology for any perſon's pretending, whether in a feigned or real character, to handle a matter, in itſelf of great importance, with which he profeſſes to have been utterly unacquainted.

If that tradeſman did not know, there are very few I believe of his own rank who are ignorant, that the privilege of parliament, moſt indiſputably, protects againſt perſonal arreſts for debts, and that it ſtays proceedings in civil actions. This ſeems to be the great ground of *this tradeſman*'s indignation at it; and yet, if it be true that he is a tradeſman of extenſive buſineſs, his ignorance of the fact only proves, that it is not attended with the general inconvenience he pretends to ground his complaint upon, to any ſuch degree as could have excited ſo unreaſonable an animoſity as he expreſſes againſt it. The truth is, that if in any thing the privilege of parliament is attended with bad conſequences, it is in ſuits for recovery of debt. At the ſame time

the ſtation itſelf, which preſumes the perſon ſo highly honoured and intruſted by his country to have ſome ſhare both of character and fortune, is a ſecurity againſt the inconveniencies that might attend the privilege belonging to it. Not to mention that if by any accident a perſon ſhould enjoy it who is baſe enough to abuſe it in that inſtance, the houſe of commons has a method of putting it out of his power, by making him wave his privilege. And beſides, every perſon ought to know with whom he deals, and need not do it with any member of parliament who he thinks would treat him ſo ill as to uſe even his privilege for a protection againſt the demands of juſtice.

But this tradeſman is inconſiſtent beyond all meaſure, when he proceeds from the ſame ſelfiſh conſideration, which he owns firſt touched him to alarm the public with the ſuppoſed miſchiefs of the privilege of parliament, by a long liſt of crimes, which, he ſays, his attorney appriſed him (from Hawkins) any member of parliament is *privileged to commit*. He invites any perſon to make a very ſtrange, and I ſuſpect a very unarithmetical calculation, how many crimes may be committed with impunity in a day. But a little good breeding, and not a great degree of common ſenſe, would have led him to an eaſier method of computation, by reflecting how often in his life he has heard of members of parliament being accuſed of any of the crimes in his fictitious liſt, which he has ſwelled by unintelligible ſubdiviſions, ideal offences, and deſcrip-

deſcriptions which ſeem to have been borrowed from ſome office of inquiſition. By that politer and more certain rule he would have found his quotient of danger to be juſt nothing, becauſe the ſubject admits of no figures at all capable of being compounded or divided. The liſt itſelf cannot be more ridiculous than it is ill-mannered; it begins with blaſphemy, and ends with bawdy-houſes; and the right rev. the biſhops are among the perſons from whoſe guilt the ſociety is apprehended to be in danger.

Among the few other crimes it contains are larceny, perjury, forgery, and conſpiracy, none of which are very gentlemen-like miſdemeanours (if any can be ſo called) though he ſuppoſes all the peers and beſt gentlemen in the kingdom capable of a frequent commiſſion of them.

But without ſaying more in anſwer to an objection that apparently has no argument in it, and is deſtitute of fact to ſupport any, let any one who is really deſirous to make a juſt eſtimation of the miſchief or inconvenience of the privilege of parliament, conſider in the firſt place, that it takes place in no caſe where *bail* does not. Bail will protect any other perſon from impriſonment, as effectually as privilege does a member of parliament: and, without dipping into the grounds of this privilege, is it not to be preſumed, that the character and ſtation of a member of parliament is equal to *bail*, for all the purpoſes which bail is deſigned to anſwer? Secondly, privilege

neither exempts from proſecution or puniſhment, and therefore it is abſurd to ſay a member of parliament is *privileged to commit any crime*, becauſe he is not liable to be impriſoned before trial and conviction. It would not be more ſo to ſay, that he is diſcharged of his debts, becauſe his perſon cannot be arreſted while the privilege continues. And, indeed, if one is pleaſed to reflect upon the caſes to which privilege, and the effect it produces, applies, the danger muſt totally vaniſh, which leaves the thing to ſtand upon its own grounds; and conſequently if it be proper, juſt, reaſonable, or uſeful in itſelf, the inconveniencies attending it will not amount to any ſufficient objection againſt it.

I cannot ſay that A. B. will be anſwered, by my going to conſider the nature and grounds of the privilege of parliament, for he keeps at a very great diſtance from that part of the ſubject: but I ſhall take this opportunity to beſtow a very few words upon it; as I think it is either much miſunderſtood, or has been very much miſrepreſented, in ſome late animadverſions. No body ſurely can conceive that this privilege was introduced to do miſchief. That would be too groſs. And if we have any confidence in the wiſdom of our anceſtors, or any regard to the experience of ages, we muſt believe it was deſigned for ſome very good purpoſes, and that it has been found to be productive of good effects. If we even ſuppoſe it to be attended with ſome inconveniencies, we cannot have a ſtronger proof

proof of its general expediency and neceſſity; becauſe it is the good having been found to overbalance the bad conſequences, that could only have made it be continued and ſubmitted to. It is alſo a great miſtake to imagine that the privilege of parliament is founded on any perſonal regard to the members. The perſon of peers is ſaid to be ſacred, which gives them a perpetual exemption from civil arreſts. Their dignity, and more immediate relation to the crown, which involves a particular obligation to attend upon the perſon of the ſovereign, is probably the ſource of that and the other peculiar privileges of the peerage, diſtinct from the privilege of parliament, which the members of both houſes have in common, and alike in all reſpects. The ſhare of the commons in it they derive from their election and from the quality of repreſentatives. They enjoy it not for their own ſakes, but for the ſake of their conſtituents; and a very little reflection will ſhew how fit it is. What might be the caſe, if, upon occaſion of any great queſtion in parliament, a ſet of bailiffs, with writs in their pockets (which any man whatever may be liable to at almoſt any hour) had it in their power to take poſſeſſion of the avenues to St. Stephen's chapel, and arreſt particular members when going to it? Or to ſuppoſe the caſe of misfortunes in trade, or otherwiſe, happening to a very worthy man, who is a member of parliament, and who, being once choſen, muſt continue ſo, would it be for the good of the public, or the ſafety of the

ſtate,

ſtate, that an action for debt ſhould ſequeſtrate ſuch a member, perhaps one of the moſt uſeful in the houſe, or that the fear of impriſonment ſhould tempt his otherwiſe incorruptible honeſty. The perſons of members are free, becauſe they are not their own maſters, but are the ſervants of their conſtituents. They originally were forced to accept the place, and might yet, if neceſſary, be compelled to fill the office of repreſentation. The public has a right to their attendance in parliament: and the rights of the public, every body knows, prevail, in all things, over the rights of individuals, however ſacred in other reſpects. Members of parliament enjoy abſolute freedom in their bodies, that their minds may be at large; the one ſuperior to influence while the other is above reſtraint: the deſign of it is, that the fulfilling the duties of their ſtation may not depend upon extraneous and contingent circumſtances, which ought not to interfere with an object of ſo great moment. That this is the true idea of the privilege is apparent from this, that the ſame is, by ſtatute, given to the members of convocation, when called upon by the king; it being ſuppoſed, that the buſineſs and duty they meet together for is eſſential to the public weal. And upon the ſame principle, the ſervants both of the members of parliament and of convocation have the benefit of privilege; becauſe their attendance and ſervice is neceſſary to their maſters. They have it from a regard to their maſters, as their maſters have it from

a regard to the public, and to their conſtituents, whom they ſerve in that honourable truſt. I do not argue from a ſuppoſition of arbitrary and illegal acts of power, which might yet produce worſe effects than mere civil arreſts: I will not ſuppoſe that any ſuch thing can ever happen in this country, while our conſtitution remains entire: but every body muſt ſee this might afford a ſtrong, though a more invidious illuſtration of the neceſſity there is that the perſons of members of parliament ſhould be ſecure. I have mentioned what I apprehend to be the real principle of the privilege of parliament: and I think, whoever attends to it, muſt, without any large diſcuſſion of it, ſee that it reſts upon a ſolid foundation, and is intended for the moſt important purpoſes. When theſe, and the limitations attending it, are duly weighed, againſt any inconveniencies, real or imaginary, that may follow from it, when kept within the bounds, within which the law has circumſcribed it, I am perſuaded that no thinking or impartial perſon will ſee any cauſe to wiſh it to be diminiſhed, in any degree, or upon any account; much leſs to be alarmed with it as an object of terror and ſource of danger. I imagine it muſt, on the contrary, appear to be a very valuable branch of the conſtitution, a main pillar of the independency of parliament, and eſſential to the ſtrength and ſtability of that great bulwark of our rights and liberties; and that any infringement of it is an intereſting object to all true Engliſhmen. And I will add, that to endea-

vour,

vour, by misrepresentations and false colours, to mislead the ignorant, or inflame the hasty, with unfavourable notions of this privilege, to me appears to be a very high indignity to parliament; and injurious, in a great degree to the whole realm; at the same time that it is more the mark of party and of prejudice, than the fruit of sober reason and sound judgment, or of good dispositions.

CANDOUR.

LETTER LIII.

PRAY inform the public, that a great personage, who once filled the highest post in the law, has declared it as his opinion that mr. W. is not entitled to privilege of parliament, in case of his being the writer of the North Briton, No. 45. The two learned persons who now fill the highest departments of that profession are entirely of the same opinion.

LETTER LIV.

I COULD not, without the highest indignation, read that unsigned letter, which desires the printer, with a great air of authority, to inform the public, that a great personage had declared it as his opinion, that mr. W. was not entitled to privilege of parliament in case of his being the writer of the North Briton, No. 45; and that the two learned persons who now fill the highest departments in that profession are entirely of the

the ſame opinion. It is ſo far lucky, that it appears to have come from ſome low hand, becauſe it is nonſenſe; as the queſtion of privilege muſt have been decided before it could appear who was the author of the North Briton, and conſequently could not depend upon that after enquiry. But no one who knows any thing of the three noble lords pointed at, can heſitate a moment to pronounce what that anonymous herald of faction proclaims, an inſolent and ſcandalous falſhood; equally diſreſpectful to thoſe great perſonages, as full of indignity to the other learned and honourable judges, for whom they always expreſs the higheſt honour and regard. Theſe great lords know well how unbecoming it would be (and indeed nothing is more unlike that character) to give judgment in a cauſe they had not heard, or to reverſe a ſentence, the grounds of which they are unacquainted with. But they are remarkable, all of them, for their prudence in avoiding to form, much more to declare opinions on diſputed points, except in judgment. Yet this ſilly fellow expects to be believed, when he takes upon him to inform the world of their opinion, as if he had been ſecretary of a meeting held to declare it; although his ignorance of what is decent and proper, which appears from his pretending to publiſh what he ought not to have revealed if it had been true, is an undeniable proof that he is below the character that could entitle him to be in company with any of them. This letter has evi-

dently

dently been designed to pass for a ministerial squib: and really if it was possible to suspect that administration, or the friends of it, employed one to trumpet forth such impertinence, contempt would be rather too slight a censure for the weakness of their conduct. But it surely cannot be; for no body, that has the most moderate share of good sense, can suppose people are so weak as to swallow down such self-apparent improbabilities, or to be bullied with such *knock downs* of pretended authorities. Yet many will be ready to believe, that this same unauthentic proclamation came from a secretary of state's office, or some other quarter of power; and the poor creature, who is the real author of it, and very likely meant to serve the ministers by it, did not consider what hurt his officious endeavours would really do the patrons he wanted to please. His performance is really nothing less than an attempt to set the king's courts by the ears, and to make the world believe, that party has got into the tribunals of justice, and that so many of the judges are with, and so many against the ministry. But it is our happniess, that those days are over, in which the court had its favourites upon the benches of judgment, and new men must arise before any could be found capable of such prostitution, if it was desired. The king who now reigns is so good, that he does not need it; he is so just, that he cannot desire it; and, thank God, if he did, he could not procure it. But they are either enemies or very injudicious friends

of

of his majeſty, who can think of doing any thing that has ſo ugly an aſpect as that fooliſh paragraph that has been ſent to be put into the papers; and I wiſh it had not been inſerted. The leaſt effect it can have is to vilify and weaken government, and it may produce moſt diſagreeable conſequences.

One of the KING'S FAST FRIENDS.

LETTER LV

NOtwithſtanding the many inviduous inſinuations of *blunders* committed by the ſecretaries of ſtate, it is well known, that no ſtep relative to mr. Wilkes's commitment was taken without the advice of the attorney and ſolicitor general; and that thoſe two great law officers of the crown both delivered their opinions in writing, "that the North Briton, "No. 45, was an infamous and ſeditious libel, "tending to inflame the minds, and alienate "the affections of the people from his maje-"ſty, and exite them to traiterous inſur-"rections againſt his government." It is alſo univerſally known, that they have farther declared their opinions to be, "that the "publication of a libel, being a breach of the "peace, is not a caſe of *privilege*; and that "J. W. might be committed to Newgate, "or any other priſon, for the ſame, upon the "evidence laid before the ſecretaries of ſtate."

Quere. Whether before a late determination the attorney and ſolicitor general were deemed blunderers and ignorant of the law,

and their opinions not ſufficient authorities to warrant a common courſe of legal proceedings.

LETTER LVI.

DOES the writer, who has furniſhed the public with a literal copy (as it ſeems intended it ſhould appear to be) of the opinion of the attorney and ſolicitor general, to the commitment of mr. Wilkes, imagine that with a mere aſſertion of any two lawyers, however learned, or the authority of any two ſecretaries of ſtate, however able and impartial, he will choak the liberty of this country, or blind the underſtandings of people who have as good a right, and may, without being lawyers, be as capable to judge of ſome things, as the greateſt men of the profeſſion? Or does he expect, with an opinion of any lawyer, or number of lawyers, to foreſtall the judgment of a free and intelligent jury? A lawyer may know better than one that is not one, who is an heir at law, or what is the nature and title of an eſtate; or any thing of that kind, which ſtands upon certain, known, and invariable rules and forms: but does not every body know how inconſiſtent, contradictory, and uncertain, and therefore how little to be depended upon, the opinions of lawyers are upon arbitrary, unſettled, new, and nice queſtions, of a mere legal nature? Does not both the bench and bar differ every day among themſelves, and with one another, on points of conſtruction and

and interpretation? Thoſe who have had the misfortune to have law ſuits, know that to their coſt. There's not a point of law, which it is poſſible to have two opinions about, but you'll get oppoſite ones upon it, from the ableſt and the honeſteſt men at the bar: and ſometimes the judge differs from both. Shall the opinion then of an attorney and ſolicitor general, however reſpectable (and the gentlemen who now fill theſe offices are both very much ſo) be binding upon the people of England in a great conſtitutional matter, much connected with LIBERTY, and very little depending upon LAW. What law does belong to it, is law that plain men, of honeſt principles, and good ſenſe, are much better judges of than lawyers, whoſe profeſſion warps their ideas, and cramps their faculties in ſome meaſure, as their occupation confines the reach of their knowledge. And it is remarkable in general, that lawyers of all others are the worſt politicians. Upon a political queſtion therefore, or any thing that is connected with politics, they promiſe leaſt to be the beſt judges. There is a *bias of calling*, as the M. of Hallifax calls it, that is unfavourable to that freedom and ingenuity of ideas, which matters of that ſort particularly require, to the right diſcuſſion of them. For my own part I ſhall freely own, they are the laſt counſellors I ſhould conſult upon ſuch an affair, as that the opinion alluded to is upon. And though in other things I ſhould have the greateſt deference for theſe two learned gen-

tlemen, as well as to others of eminence in the profeſſion, I ſhould really pay none at all to their opinion, as to that matter upon which the nameleſs writer, with an air of authority, ſays, they have given one in the terms he mentions. Nor can I help obſerving upon this occaſion, that there is nothing more generally remarked than this, that the ſervants of the crown have always a bias to the crown. I do not ſpeak of ſuch ſervants as have diſgraced the profeſſion in days when the ſervice itſelf was but a diſhonour. Honeſt men, and good men, and in the beſt of times, have diſcovered a great deal of this. While at the bar it ſticks to them. It is very well if they can quit it when they go to the bench. The opinion therefore of the attorney and ſolicitor general is the moſt exceptionable, and (without meaning any offence to thoſe gentlemen) the leaſt proper to have been *prematurely* and *unſeaſonably* publiſhed, I am certain they never intended it ſhould. And thoſe who have taken upon them to do it, have done them no favour. If it has any impreſſion to prejudice mankind, it is an unfair uſe of it. The practice is unconſtitutional and dangerous: ſuch as I am confident no ſervant of the crown could countenance, or can approve. If it has no other influence with others than it has with me, which is only to put me more upon my guard, and to ſummon a greater degree of attention, it will not do harm indeed; but it is then uſeleſs. And with many it may give unfavourable notions of thoſe who

who have the conduct of the crown's buſineſs, as if they meant to prejudice and prevent a fair a trial.

After all, what is this opinion? An opinion which gives a certain *deſcription*, and affixes a certain *tendency* to a printed paper, from which an offence, defined by no ſtatute, and in its nature the moſt uncertain that can be, and dependent upon almoſt an infinity of circumſtances, is to be raiſed. A thing that the beſt judge, and honeſteſt man on earth, may think differently of at different times; and will always think of, more or leſs, according to his own paſſions, inclinations, circumſtances, and natural temper, as well as habits, as much as according to the object itſelf. It is hardly poſſible but men muſt be differently affected with the ſame thing, when it is of ſuch a nature. So that though any man may have a preſent opinion of it, his opinion can never be an authority with another, and will not even guide himſelf on a ſecond conſideration of the ſubject, when numberleſs new ideas, both ways, may, and probably will, caſt up to his mind. But it would be endleſs to expatiate upon a ſubject ſo fruitful of matter. Every man that has his ſenſes about him, muſt ſee reaſons innumerable why no opinion, not even of the beſt, moſt impartial, and ableſt lawyer, ought to have a deciſive weight with him; and how dangerous it is even to give it the leaſt influence, ſo as to produce the idea of a leaning.—The perſon whoſe correſpondence has produced theſe reflexions,

flections, has given us one pregnant proof of the uncertainty of, and hazard of truſting to the opinions of lawyers. He ſays the crown lawyers were of an opinion as to privilege different to that of the court of common-pleas. Now does any man living think that a mere *dictum* of two gentlemen, probably without much or any ſtudy, or uſe of ſuch helps as books or authorities could give, and without the aſſiſtance of an argument, ſuch as the court I ſuppoſe had from the bar, is to be put on the level with the opinion of judges, with whom, in point of ability, ſurely the king's council will not think it any diſparagement to be compared, formed after great deliberation, and explained and enforced, as I dare ſay it was, with that ſtrength and perſpicuity, which is the diſtinguiſhing ornament of every ſpeech which that great judge makes who gave the judgment of the court of common pleas in this caſe? Do we not ſee lawyers alter their opinions every day, and hear them expreſs their ſatisfaction with judgments given in oppoſition to them? I think it is certain, that if the attorney and ſolicitor general gave any opinion, ſuch as the anonymous writer ſays they did, they muſt now be doubtful of it themſelves, when ſo great an authority ſtands againſt it. But it is not unlikely, that they have even altered their opinion, if it was at firſt what it is ſaid to have been. And whether it is ſo or no, I am ſure none of them will thank this volunteer, who has thought it his duty to defend their opinion,

nion, and to try to cramb it down the throats of the public, as well as in the point that has been decided againſt it, as that which is yet to be judged of in the proper place, and in the legal manner; I ſay, they will not thank him for the manner in which he gives his officious help. His quere is ſo rude that it ſhocks one: "whether, before a late determination, the attorney and ſolicitor general were deemed blunderers and ignorant of the law; and their opinions not ſufficient authorities to warrant a common courſe of legal proceedings?" Might not one reply, is lord chief juſtice Pratt, and the other judges of the common pleas, to be deemed blunderers, becauſe they have differed from the attorney and ſolicitor general, upon a queſtion which they have had better aſſiſtance, and taken more pains to conſider of, than theſe gentlemen had opportunity or leiſure to do? I ſay ſo, ſuppoſing the attorney and ſolicitor general yet to differ from the judges, which I doubt, not from any knowledge of my own of the ſubject, for I profeſs not to underſtand it, but meerly from a juſt deference to judges every way worthy of confidence and reſpect. And ſuppoſing the opinion of the attorney and ſolicitor general to be (as I verily think it is in its own place) a very high authority, muſt it overcome and weigh down a legal determination of very able judges; or be the ſole teſt of the legality or illegality of proceedings? God forbid! Proceedings may be *directed* by the opinion of attorney and ſolli-

citor

citor general; but as it is the law that muſt *warrant* them, it is the judges of the law who are to decide whether they are *legal* or not: and a legal judgment will ſtamp a quality upon proceedings, which the opinion of no lawyer can take off. This gentleman's quere therefore, muſt appear to every body to be highly improper and indecent; it is diſreſpectful to judges of the moſt eminent abilities and greateſt worth; and derogatory to the honour which the perſon who is the author of it, I dare ſay, meant to do to the gentlemen who have the honour, very deſervedly, to ſerve the crown in thoſe high ſtations. It is not neceſſary, and I rather chuſe to avoid ſaying any thing as to the manner in which the gentleman introduces his account of the attorney and ſollicitor general's opinion; which is not, I think, very delicate, in regard to the ſecretaries of ſtate. But one thing I cannot help obſerving: he ſays, no ſtep relative to mr. Wilkes's *commitment* was taken without the advice of the attorney and ſollicitor general. But was every ſtep relative to the *apprehenſion* of mr. Wilkes regulated by ſuch able advice? I am ſure not. For, to be moderate, if the warrant and circumſtances which have been publiſhed, and not contradicted, under which he was firſt ſeized, be as repreſented, they are ſuch that I, for one, ſhall not believe any lawyer capable of adviſing ſuch proceedings. The ſecretaries of ſtate can, I doubt not, anſwer for themſelves. They need not, it is true, be law-

lawyers, and it is not impoſſible for them to err in a point of law; but they may be ſuppoſed to have other advantages ſufficient to guard them againſt very egregious errors; or ſuch as are not eaſily to be reconciled with the moſt ſimple rules of regular procedure. All, however, that the public have to do with is, that the law ſhould have its fair courſe, and if that is allowed, the iſſue will be juſt. And the public, if it don't hurt its own cauſe, as it has as good a right, ſo it has no leſs chance of getting juſtice, than any private perſon has. I hope power will never protect oppreſſion; and I truſt the paſſions whether of many or few never will pervert juſtice. PHILO THEMIS.

LETTER LVII.

THOSE who have any love and reſpect for his majeſty *perſonally*, and are influenced by affection and duty to him, as their ſovereign, cannot but be uneaſy when they obſerve any thing that malice itſelf could conſtrue into a reſemblance, though not a parallel of the practices of bad times. Not a few have, on that account, felt a good deal of pain from ſome very indecent (as they think) hints in the papers, as to the opinions of certain great judges, which one may be confident have no authority, though they are publiſhed with a great aſſurance, but are the work of *ill deſigning* or *ill judging* perſons of a low character, and tend to bring a reflection upon his majeſty's ſervice, very contrary to the true character of thoſe reſpectable perſons who

have the honour to be, or to have been employed in it. There is a paragraph or two in an excellent book of a moſt eminent and worthy judge, lately publiſhed, which is much commended by thoſe who do not belong to the profeſſion, as a collection of good principles; and if any thing could be a warning to the intemperate zeal of party writers, perhaps ſome advantage might redound from your laying the words of that able and honeſt judge before the authors of ſome late paragraphs that have been ſent to the papers. Mr. juſtice Foſter, in his diſcourſe upon high treaſon, has the following paſſage, which may be uſefully read by any perſon, and at any time, without regard to the particular ſubject and occaſion of it. P. 199. "This caſe therefore weigheth very litttle, and no great regard hath been paid to it ever ſince."

"And perhaps ſtill leſs regard will be paid to it if it be conſidered that the king, who appeareth to have had the ſucceſs of the proſecution much at heart, and took a part in it unbecoming the majeſty of the crown, condeſcended to inſtruct his attorney general with regard to the proper meaſures to be taken in the examination of the defendant. That the attorney, at his majeſty's command, ſubmitted to the drudgery of SOUNDING THE OPINIONS OF THE JUDGES, upon the point of law, before it was thought adviſeable to riſque it at an open trial. That the judges were to be ſifted ſeparately and ſoon, before they could have an opportunity of conferring together.

ther. And that for this purpoſe four gentlemen of the profeſſion, in the ſervice of the crown, were immediately diſpatched, one to each of the judges; mr. Attorney himſelf undertaking to practice upon the chief juſtice, of whom ſome doubt was then entertained.

"Is it poſſible that a gentleman of Bacon's great talents could ſubmit to a ſervice ſo much below his rank and character! But he did ſubmit to it, and acquitted himſelf notably in it.

"AVARICE, I think, was not his ruling paſſion. But whenever a falſe ambition, ever reſtleſs and craving, overheated in purſuit of the honours which the crown alone can confer, happeneth to ſtimulate an heart otherwiſe formed for great and noble purſuits, it hath frequently betrayed it into meaſures full as mean, as avarice itſelf could have ſuggeſted to the wretched animals who live and die under her dominion. For theſe paſſions, however they may ſeem to be at variance, have ordinarily produced the ſame effects. Both degrade the man; both contract his views into the *little* point of ſelf-intereſt, and equally ſteel the heart againſt the rebukes of conſcience, or the ſenſe of true honour.

"BACON having undertaken the ſervice, informeth his majeſty, in a letter addreſſed to him, that with regard to three of the judges whom he nameth, he had ſmall doubt of their concurrence, 'Neither, ſayeth he, am I wholly out of hope that my lord Coke himſelf, when I have in ſome dark manner put him

him in doubt that he ſhall be left alone, will not continue ſingular." Theſe are plain naked facts; they need no comment*. Every reader will make his own reflections upon them. I have but one to make in this place. This method of FORESTALLING THE JUDGEMENT OF A COURT *in a caſe* of blood, THEN DEPENDING, at a time too when the judges were removeable at the pleaſure of the crown, doth no honour to the memory of the perſons concerned in a tranſaction ſo inſidious and unconſtitutional; and at the ſame time greatly weakeneth the authority of the judgement."

LETTER LVIII.

THE privilege of parliament, which a late affair has brought into diſpute, is in itſelf a matter of great moment; and as it is really no leſs ſo, than that the people in general ſhould not be miſled to reckon that either an invidious diſtinction, or a dangerous licence,

* "See Bacon's letters in the 4to edition of his works 1740, Lett. 111, 112, 114, 116, 117. Others of his letters ſhew that the ſame kind of intercourſe was kept up between the king and his attorney general with regard to many caſes then depending in judgment; particularly in the caſe of one *Owen* executed for treaſonable words: in that of mr. *Oliver St. John* touching the benevolence, in the diſputes between the courts of king's bench and chancery in the caſe of the *præmunire*: and in the proceedings againſt the counteſs of Somerſet."

licence, which the wiſdom of the conſtitution has judged, and experience has proved to be in truth one of the greateſt ſecurities they have of their valuable rights and liberties; I think it may be worth while to add this one obſervation upon the ſubject. Treaſon, and all other capital offences, exclude the privilege of parliament in common caſes; ſubject to the remedy by forcing a trial, which the Habeas Corpus act gives. But ſo jealous has the legiſlature always been of a power, which, if abuſed, might prove a terrible engine to garble a parliament, that when it has been thought neceſſary to ſuſpend the *Habeas Corpus* act, which is never done but in ſo far as concerns impriſonments for ſuſpicion of high treaſon, or treaſonable practices, even in that caſe the meaſure which the ſafety of the ſtate makes neceſſary, is ſo far tempered with a due regard to the freedom of parliament, that there is a clauſe in the act which ſuſpends the *Habeas Corpus* act; "That nothing therein ſhall be conſtrued to extend to invalidate the ancient rights and privileges of parliament, or to the impriſonment or detaining of any member of either houſe of parliament, during the ſetting of ſuch parliament, until the matter of which he ſtands ſuſpected be firſt communicated to the houſe of which he is a member, and THE CONSENT OF THE SAID HOUSE OBTAINED for his commitment or detaining." This is as ſtrong a proof as can be of the legiſlature's opinion of the importance of the ſecurity of the perſons of members of parliament, *not*

on their own account, *but* as neceſſary to the freedom of parliament, and eſſential to the preſervation of the rights of the people. It ſhews that it is not the privilege of the members, ſo much as it is the right of the people of England; and that the people have a right to the ſervice of the perſons they entruſt with their liberties; which they cannot be deprived of in the inſtance of any one member, but by the CONSENT of the WHOLE. Hence it is that no member can wave his privilege, ſo as to deprive the houſe to which he belongs, of his attendance upon the ſervice of parliament: and therefore in parliamentary language it is called *not* the privilege of A. or B. *but* the privilege of THIS HOUSE, though the reſolution concerning it relates to the caſe of one ſingle member only. The check which the above clauſe puts upon the power of commitment, even when it is thought neceſſary to relax the uſual reſtraints attending it, alſo proves of what weight the legiſlature judges the very character and truſt of a member of parliament to be againſt ſuſpicions of treaſon; when even a charge of that ſort is not ſufficient to ſequeſter a member of parliament, without the previous conſent of the houſe to which he belongs, which by the communication neceſſary to be made to it, has an opportunity to judge how far it is juſt to allow the repreſentative voice of any part of the nation to be cut off or ſuſpended for a time. And it is ſtill the more remarkable, that all commitments, to which the ſuſpenſions that have been made

of

of the effect of the Habeas Corpus act relate, muſt be by a warrant ſigned by ſix of the privy council, or by a ſecretary of ſtate. *That* of itſelf is a pretty ſtrong ſecurity againſt groundleſs impriſonment even in times of publick danger; *but* the legiſlature did not think it ſufficient to ſecure the freedom of parliament, in the perſons of the members of it. If then the ſecurity of the perſons of members of parliament is ſo GREAT an object when laid in the ballance with high treaſon; what is it, or ought it to be, when oppoſed to a common commitment in order to trial for a miſdemeanor, which every ſubject may prevent, by offering bail? If privilege did not take place in that caſe, it would be to dignify a petty offence above high treaſon itſelf; and to hazard the independency and freedom of parliament for the ſake of a trifling matter, although the moſt imminent danger of the ſtate has not been judged a reaſon ſufficient to expoſe it to any infringement. In ſhort, it would be to give a greater authority, and ſtronger effect to the warrant of every juſtice of peace, than parliament has given to a commitment by the privy council and higheſt officers of the crown.

SIBI CONSTET.

LETTER LIX.

THOUGH it may be the opinion of the beſt lawyers and moſt experienced members of parliament, that, in the late inſtance, mr. W. had no title to privilege of his perſon;

ſon; yet, I ſhould think there is another ground of complaint againſt the ſecretaries of ſtate of breach of the privilege of parliament, ſeizing and carrying away his papers in the manner that was done. I believe it is allowed that a legal warrant may be illegally executed; and I ſhould therefore wiſh to have the opinion of the moſt knowing in parliamentary proceedings, " whether upon ſuſpicion of his being the author of a ſeditious libel, it is, or is not, a breach of the privilege of the H. of commons, to ſeize upon the papers of a member of that houſe without information upon oath." And to lead any gentleman in the forming an opinion upon this point, I beg you will publiſh the following extract from mr. Gray's debates, vol. 6. page 337.

Thurſday, December 19, 1678.

Sir John Ernly, chancellor of the Exchequer, acquainted the houſe, that he was commanded by the king to deliver this meſſuage to them.

" That his majeſty, having received information, that his late embaſſador in France, mr. Montagu, a member of this houſe, had held ſeveral private conferences with the Pope's nuncio there, to the end that he may diſcover the truth of the matter, has given order for the ſeizing mr. Montagu's papers."

Mr. Powle] No man can defend an embaſſador's having correſpondences or conferences with the Pope's nuncio. Montagu is a member of parliament; and it is an old rule,

rule, that, in treaſon, no private man, nor member's perſon can be ſeized, before the accuſation be given in upon oath; if not, any member may be taken from parliament. I would know whether any legal information has been given againſt your member. This was a fatal caſe in the laſt king's time of ſeizing members and their papers; I hope never to ſee the like again. If a great miniſter has a quarrel againſt a gentleman, and one go and tell the king a ſtory of him to his prejudice, and his papers thereupon muſt be ſeized, I know not whether that will go. In the firſt place I would be inſtructed from Ernly, who brought the meſſage, whether there be any *legal information* againſt your member? and if there be not, then you may conſider what to do.

Sir J. Ernly] I have told you the meſſage as I received it.

Mr. Bennet] If his papers are ſeized, papers may be put into his cabinet as well as taken out.

Col. Birch] This is a mighty myſtery and the greateſt buſineſs I have heard here. I have always taken it for granted, that no members papers can be ſeized. Forty more members papers may be ſeized at this rate and the houſe garbled, and then the game is up.

Sir Tho. Lee] I ſee there is no harm in making an addreſs to the king about this matter, "that he may let the houſe know whether there is any *information upon oath* againſt mr.

Montagu." If there be ſuch information as the law warrants, I would ſit down under it; if not, I would look to our privileges.

Col. Titus] I ſecond that motion; if there be no *information upon oath*, then it is a breach of privilege.

Sir Wm. Coventry] An embaſſador has nothing for his juſtification but his papers; and his neck may go for it, if he has not his papers to juſtify himſelf. I ſhould be loth to have my papers ſeized, though but for matter of reputation. I had rather have my ſhirt, than my papers taken from me.

Mr. Powle] I purſue the firſt motion to ſend to the king to know whether the " information be upon oath; " and when you have this anſwer, then to conſider, whether the papers ſhall be ſeized. Elſe you give up your rights to fatal conſequences.

Mr. Vaughan] If papers are ſeized *at this rate*, a great many of your members papers may be ſeized, becauſe *ſome men* are guilty of high-treaſon.

Mr. Williams] I cannot give my opinion whether it is a breach of privilege or not, till you have the thing entirely before you. I would know what this information is againſt your member. I know by the law of England there is no diſtinction of ſtate-treaſon, felony or breach of the peace, againſt which there is no privilege. It is not every breach of the peace a member may be ſeized upon, &c. where there is no more required than ſecurity, &c. and he ought to have the privi-

lege

lege of an Engliſhman. He that will be ridden, ſhall be ridden; therefore I would addreſs.

Col. Titus] If the information be upon oath, and it be neither treaſon, felony nor breach of the peace, your privilege is violated.

Sir Wm. Coventry] I am againſt the whole thing, either ſending to the king to know what the crimes are, or whether upon oath. He may be guilty, he may be innocent; poſſibly the thing will be put farther. But to take away his armour that muſt defend him, a little thruſt will deſtroy him. The very law gives him his papers for his defence to juſtify himſelf by; his papers to be delivered out of his hands clearly away, is a very dangerous thing.

Mr. Montagu] I believe that the ſeizing my cabinet and papers was to get into their hand, ſome letters of great conſequence, that I have to produce of the deſigns of *a great miniſter of ſtate.*

Col. Titus] To ſeize papers thus is very illegal. Any man's may be ſeized at this rate. I look upon this, as one of the wiſeſt actions the miniſters have done. Were I one of them, right or wrong, I would have ſeized mr. Montagu's papers.

Sir John Lowther] I am of opinion that we ſhall not ſit here to-morrow; I move, therefore, to have the papers ſent for now.

Sir Henry Capel] I ſecond that motion. We know what practices have been in the late times, &c. how papers of members have been

been ſeized. The king has power on his ſubjects, but it is according to law. I know not what may become of us to-morrow; therefore, I would have Montagu's papers brought to night.

Lord Cavendiſh and lord Ruſſel cloſed the debate for ſending for the papers; they were ſent for immediately, and among them two letters from lord Danby to mr. Montagu were found and read to the houſe; and upon them, the houſe immediately reſolved, that there was ſufficient matter of impeachment againſt the lord treaſurer; and he was accordingly impeached.

LETTER LX.

BEING at a friend's houſe the other day, I had the pleaſure of reading No. 45. of the North Briton which has occaſioned ſo much noiſe, and brought on a moſt alarming attack on the common rights of the ſubject, as well as a violation of the privileges of parliament.

After peruſing this famous paper ſeveral times with the utmoſt attention, I could not help being aſtoniſhed at the proceedings which have happened in conſequence of its publication. When my friend put it into my hands, I expected to find the moſt outrageous inſult upon majeſty; but judge of my ſurprize, judge, every honeſt Engliſhman, when I ſaw nothing of the kind. Inſtead of finding the lie given to my ſovereign, as the tools of the preſent miniſtry are in every news-

news-paper aſſerting, I found him ſpoken of and treated with that reſpect and reverence which is due from a good ſubject to a good prince. Nor am I aſhamed to ſay in the midſt of the torrent, with which the miniſtry ſeem endeavouring to overwhelm the public, that I ſee nothing in that North Briton which is either treaſonable or ſeditious. I deliver my opinion in this free manner, becauſe it is the birthright of every Engliſhman to do ſo. This nation is a free nation, and I hope ever will be, in ſpite of the principles of Scotſmen and Scottiſh ariſtocracy, and every deſign of wicked miniſters, whoſe aim has been to trample on the liberty of the preſs, to prevent the people being acquainted with their meaſures.

There are two ways in which a king of England is to be looked at. In an individual ſenſe, if he is a good king (and I believe we never had one poſſeſſed of ſo many virtues as the preſent) he ought to be ſpoke of with that truth and juſtice which are due to his perſonal merit. In two very ſtrong paſſages the North Briton has obſerved this. The words charmed me; nor is the ſentiment finer than juſt.

When we conſider the king of England in his regal capacity, we cannot, if we have any regard for our excellent conſtitution, imagine him as acting *alone*, like a deſpotic monarch, becauſe it is known, that in all the royal functions he is obliged to act by the advice of his miniſters, and in conſequence of

of their advice they become reſponſible to his people, if any wrongs are committed; hence ariſes the liberty of the ſubject to expreſs his abhorrence of any meaſure, becauſe it is the meaſure of the miniſter, not the ſovereign. It is likewiſe known that the ſpeech which the king pronounces to his parliament is previouſly made by the miniſter, therefore the miniſter becomes anſwerable for whatever that ſpeech contains; and it is in parliament called the ſpeech of the miniſter, and treated accordingly, not as conveying the ſentiments of the ſovereign, but the miniſtry. It therefore ought not, nay it cannot be deemed an inſult upon majeſty, to treat the ſpeech at any time as it deſerves; for if it was, it would not be ſuffered to undergo ſo many ſevere animadverſions as it frequently does, in the houſe of commons.

A freedom ſimilar to this is even allowed in deſpotic countries. How often do we ſee in the remonſtrances of the French parliament to their grand monarque, mention made of his having been *ſurprized* into ſuch a thing; which in plain Engliſh is nothing more than his having been *impoſed upon*.

CONSTITUTIONAL LIBERTY.

LETTER LXI.

I AM ſure the notes from which the account given of lord chief juſtice Pratt's ſpeech in the affair of mr. Wilkes, muſt not have done juſtice to that learned judge, who is remarkable

able for the perſpicuity with which he expreſſes himſelf on all occaſions. At leaſt I muſt own what is there ſet down conveys no diſtinct idea to me of the moſt intereſting part of the ſubject. Privilege of parliament concerns but a few, and it is in no great hazard of being much hurt, while the protection of it is in the hands of thoſe to whom it belongs. But liberty in general is the cauſe of every man, and the ſecurity of it cannot be too great nor too well underſtood. I wiſh, therefore, ſome of the gentlemen of the law would be ſo obliging to the public as to give us a more perfect account of the determination upon the firſt point, which ſeems to have been agitated in the late debate. I take the liberty to make it my humble requeſt, through the channel of your paper, becauſe I have frequently obſerved very ſatisfactory ſolutions given in it of queſtions of law that are of general concern, which, in my opinion, does great honour to the generoſity and public ſpirit of the profeſſion.

I ſhould be glad to be informed if it is certainly held to be law in all caſes, that a juſtice, or any magiſtrate of the peace (and it ſeems a ſecretary of ſtate is conſidered to be no more) can, without information upon oath, or other ground, in its own nature, tantamount or ſuperior, *charge* a perſon as guilty of an offence, and commit him to priſon; barely mentioning the offence in the warrant, and making what is called the *charge*, which, from what is in your paper, I under-

derſtand to be no more than the *affirmation of the magiſtrate*, that the perſon is guilty of that particular offence named in the warrant, or the act of commitment on that account: for it ſeems it don't mean the *accuſation* of any other perſon, which is ſet forth in the warrant, as the ground upon which the magiſtrate proceeds. If that be law, I cannot help apprehending the liberty of the ſubject is not ſo well ſecured, as moſt people imagine, when they talk of the Habeas Corpus act as the great bulwark of it. They tell me there is hardly any thing done, not a motion of the ſimpleſt nature heard, in any of the courts in Weſtminſter-hall, but upon an affidavit of the fact upon which it is grounded.—That one cannot have a warrant to ſearch for ſtolen goods, nor an officer of the revenue (as I am informed) a warrant to ſearch for run goods, without an information upon oath.—Nay, if a Habeas Corpus is moved for, there muſt be a copy of the warrant of commitment produced, or affidavit to ſhew that it has been refuſed, and a requeſt by, or on behalf of the perſon confined, atteſted by two witneſſes. I cannot help thinking it ſtrange if leſs be neceſſary to *reſtrain* than is required to *reſtore* liberty; or that a man's perſon ſhould be liable to be invaded with an inferior degree of caution or formality than is neceſſary to get acceſs to ſearch his *houſe*. I ſee it is mentioned, in theſe imperfect ſcraps put into the Gazetteer, to have been ſaid, that no magiſtrate had a right, *ex officio*,

officio, to apprehend any perſon; and I have been informed by ſome who were preſent, that my lord chief juſtice did expreſs himſelf ſomething to that purpoſe; and that he even went ſo far as to ſay, that, ſuppoſing (which he thought the ſtrongeſt caſe that could be put) that a magiſtrate knew, of his own proper knowledge, that a perſon had been guilty of an offence, he did not think it was ſufficient ground for him to commit the criminal, but that he ought rather to go and make oath of the fact before another magiſtrate, who ſhould thereupon act the *official* part, by granting a warrant to apprehend the offender, it being more fit that the *accuſer*, in that caſe, ſhould appear as a *witneſs*, than act as a magiſtrate. I ſhould have been apt from thence to conclude, that there was always ſomething *extrinſic* to the warrant of the magiſtrate, neceſſary to be as a legal ground for it; and of conſequence, that the magiſtrate who committed with a mere charge, ſuch as the lord chief juſtice (according to the notes in the papers) explained that word to ſignify, that is his own affirmation, that the perſon committed was guilty, acted illegally, and that his warrant was not a legal warrant. For it appears to be ſo like a commitment merely *ex officio*, that one cannot, I think, eaſily diſcover the difference, at leaſt from any thing that appears upon the face of ſuch a warrant as is ſuppoſed. But it ſeems it is otherwiſe; and there muſt be ſome diſtinction, which is not ſufficiently explained by any

thing I have ſeen or heard of the argument, to make it to be underſtood by thoſe, who know as little of the law as I pretend to do, which is nothing at all. And I am certain the great and learned judge would not leave a matter of that conſequence in the dark, when pronouncing an opinion to which it was fundamental and eſſential, ſo far as I am able to judge from the nature of the queſtion in debate, and the train of the argument upon it. I dare ſay it would be very ſatisfactory to a great many, who are in the ſame ſituation with me, that is, thoſe who have no particular concern in the affair which brought on this queſtion, but are deſirous to know the real ſtate of a matter in which every man is concerned. I would therefore hope ſome kind perſon or other, will have ſo much goodneſs as to favour the public with a juſt account of it, as little mixed as poſſible with profeſſional terms or modes of ſpeech, that it may be of the general uſe it ought to be deſigned for.

I may venture to trouble you with a few other reflections upon this ſubject: but not to take too much of your uſeful paper from correſpondents of greater value, I conclude for the preſent,

LIBERTAS LÆSA NULLA REPARABILIS ARTE.

LETTER LXII.

THE deſign of the reflections in my laſt, was to get ſuch information of the law, as might lead gentlemen to conſider how far the

the liberty of the ſubſect is ſufficiently ſecure againſt illegal impriſonment, as the law now ſtands; and in further purſuit of the ſubject, with the ſame view I would now beg leave to obſerve, that I can very well conceive that an information upon oath ſhould not always be required in order to a commitment, for it certainly is not the only ſatisfactory and juſt ground for a warrant, and therefore I ſhould imagine cannot be the only legal one; as I hope the law agrees with common ſenſe. Evidence by writing, where the fact is capable of ſuch proof; or by examinations of witneſſes upon a general ſuſpicion; or public and immediate view, in ſome caſes, may, I ſhould take it, be a very ſufficient ground for a magiſtrate to proceed to apprehend and commit: and ſuch a commitment could not be ſaid to be merely *ex officio*, becauſe there is a ground of fact, extrinſic to the act of the magiſtrate, which puts his office into motion, and is properly the foundation of the warrant he iſſues. But I do think the office of a magiſtrate of the peace is a thing that ought to be, as it is in its nature, dormant, till it is moved by a fact, ſome how or other legally brought under the cognizance of that juriſdiction which belongs to the office. Every legal act of office ſhould require to ſupport it a party (diſtinct from the magiſtrate) to appear as the perſon who ſeeks the interpoſition of his power, or at leaſt ſomething that in its own nature can ſtand in the ſtead of ſuch a party; I have ſuppoſed that evidence by writing, or by examinations

of witneſſes, in a caſe of general ſuſpicion, or public and immediate view, may anſwer that purpoſe, being like the demand of every body, and of the public ſecurity, the cries of which no magiſtrate ought to be deaf to, as his very office is appointed to watch over it.

I don't know how 'a vyers may conſider this; but to plain ſenſe I think it is pretty clear, that ſuch a *pre-requiſite*, to warrant the interpoſition of a magiſtrate, by an act that reſtrains the perſonal liberty of the ſubject, which is in truth inflicting a very ſevere puniſhment of itſelf, ought to be neceſſary; becauſe it is, and muſt be, a ſecurity againſt acts of *mere power*, which will moſt likely be found to be nothing elſe than inſtances of *tyranny*. Power is enough to be in one hand; there ſhould be ſome extraneous ſpring to ſet it a going. For as tyranny is the degeneracy of power, we know from experience that nothing is more apt to degenerate than power. There is a certain love of dominion natural to mankind, which leads them to graſp at power; and the love of power gratifies itſelf by exerciſing it, which renders it very fit that reaſonable checks ſhould always controul power, to prevent an undue exerciſe of it. Upon ſuch ideas as theſe I wiſh, if it is not, that it was law, that to make an impriſonment legal, there ſhould always be ſomething beſides the warrant of commitment, and the office of the magiſtrate who grants it; ſomething upon which the warrant ſhould ſtand as its foundation. And if that was ſo, I ſhould alſo imagine that the foundation

foundation, whatever it is, ought to appear upon the face of the warrant itſelf; unleſs there is ſome good reaſon againſt it; which may be known to the gentlemen of the law, though I am ignorant of it. My reaſon for imagining it ſhould appear, is this, that if it do not (ſuppoſing it really to exiſt and to have been the cauſe of the warrants being granted) it is ſtill ſo like a commitment merely *ex officio*, which it ſeems is not allowed to be legal, that I am at ſome loſs to ſee what it is that diſtinguiſhes it from one. *To be*, and *not to appear to be*, are ſo much a-kin to one another, that I would not chooſe to truſt *liberty* to all the diſtinction there is between them. It may be (and I have heard it has been) ſaid, that this would in fact be a very inſignificant check upon an arbitrary magiſtrate, becauſe, if he was diſpoſed to make an illegal commitment, he would not ſcruple to ſet forth in his warrant a ground which did not in truth exiſt, if he was not alſo obliged to ſhew it, which, it is alledged ought not to be required, becauſe it might frequently be attended with inconveniencies. But I muſt beg pardon not to be ſatisfied with the anſwer. A check, which has not all the force or effect one would wiſh, is ſtill better than none at all; and if a better cannot be had, it is the beſt reaſon in the world for uſing *that* you can have. I do not however ſee, that it is ſo very ineffectual a reſtraint. There are many men who will do a thing that is not legal, when the power of office is, without more, enough for

the purpoſe; and yet would boggle to go that ſtep farther, however ſmall a ſtretch it may appear to be, to ſet forth the ground of the act; a mere falſity which would eaſily detect itſelf. For as the detection of the falſhood would deſtroy any pretence of excuſe to juſtify the abuſe of power; it would alſo prove the reaſon capable of it to be of ſo infamous a character, as to merit no compaſſion, nor any mitigation of the ſeveral conſequences of his oppreſſion. At the ſame time I muſt own, I do not ſee the very bad conſequences that would follow, if it was abſolutely neceſſary that the foundation of every warrant of commitment that can be produced ſhould appear with it, whether it be information upon oath, or whatever elſe it is, if it is really neceſſary to have ſuch a foundation for it. But that I will not go far into, becauſe I am ſenſible how little I may know of all the conſiderations proper to be had in forming a juſt opinion upon that matter. This only I ſhould obſerve, that no man ought to be an informer who is not willing to be witneſs; and as he muſt be known when he appears at the trial, why ſhould he be hid till then? If concealment of a witneſs is the only ſecurity againſt his corruption, it is but a poor teſtimony in favour of the firſt information he gave. Honeſty is above temptation; but he that will be corrupted by one ſide, may have been by the other; and ſecreſy is more likely to cover roguery, than to protect truth. Neither can proof by writings ſuffer by being diſcovered.

And

And the law might, I ſhould hope, be ſufficient to prevent every bad conſequence that can be ſuppoſed to attend ſuch a publication of the grounds of any impriſonment, as would be ſufficient to give ſome reaſonable ſecurity that there ſhould be none altogether without cauſe. To prevent this is to favour liberty; and liberty cannot be too much favoured.

I have ſome obſervations yet left, which may take up part of another paper, if they derive as much merit to deſerve a place from the ſubject, which is ſurely worthy of the attention of the public, as nothing can be ſaid with more juſtice than,

LIBERTAS LÆSA NULLA REPARABILIS ARTE.

LETTER LXIII.

IN the two former letters, which you have laid before the public, I took the liberty to make ſome impartial and uninflamed obſervations, which I thought might lead the attention of gentlemen, who are not heated with the violence of party, to conſider how far the perſonal liberty of the ſubject is at preſent ſufficiently ſecured by the law as it ſtands, and groundleſs and vexatious impriſonments prevented by the checks attending commitments. I ſhall now add, that I had no doubt till lately, that an information upon oath, or ſomething equal to it, was neceſſary to ground a warrant of commitment; and one thing that led me into the error, if it is one, was my reading every day in ſome news-paper or another,

another, of perſons being committed to priſon, by the warrants of the magiſtrates, both in town and country, as *being charged by the oath* of ſome body, with robbing, ſtealing, and ſuch like offences. This daily intelligence, which all the papers circulates, has, I dare ſay, made the ſame impreſſion upon many others that it did upon me. I hope the public in general, and the magiſtrates in particular, will now be inſtructed, with ſome degree of certainty, what is the law, or what the diſtinctions of it, if there are any, as to this matter. And if it is not ſufficiently clear what it is, or that it is what it ought not to be, I ſhall entertain hopes that gentlemen will conſider of having it amended. For as it is particular caſes that bring general laws under conſideration, it will be no novelty, if even in ſo great a matter as the ſecurity of the liberty of the ſubject, a flaw be diſcovered, when every body thought it was ſecured beyond poſſibility of danger. I have heard from thoſe who were preſent, that my lord chief juſtice Pratt, in delivering the opinion of the court upon mr. Wilkes's caſe, ſaid, that the objection taken to the warrant of commitment that it did not bear, that it proceeded upon an information on oath, or ſome other ground of that nature, appeared to his lordſhip to have great weight, if it had been new, and the matter entire: but that it had been determined in point, in the caſe of the warrant for committing ſir William Wyndham to the Tower for high treaſon; and that they muſt follow that precedent.

cedent. It is, at the ſame time, the only one, ſo far as I have been informed, that was mentioned to that point, upon the occaſion.

It would be in vain for me, who underſtand nothing of law, to look into that caſe: And therefore I ſhall content myſelf with believing, from what I have heard of it, that it is an authority which goes to prove, that a magiſtrate need not ſet forth in his warrant of commitment what, or whether it proceeds upon any information, or other ground of that nature. And if this be the law, as explained in Weſtminſter-Hall, and confirmed by the late deciſion, it ſhould be conſidered, if laying authorities out of the caſe, there are found principles to ſupport it; or if it were not better to amend the law. And as I hope gentlemen, eſpecially thoſe of the legiſlature, will think of it, I ſhould be the more deſirous to hear what the gentlemen of the profeſſion have to ſay upon the ſubject, in the way of reaſon, independent of precedents; and particularly, I ſhould wiſh for a better account of the late debate and opinion upon this point, than that which was in the news papers. I cannot however help ſaying, that if there was no other precedent than that of ſir William Wyndham's caſe, it was paying a very high deference to one ſingle deciſion, to follow it, if the principles of it were in any degree doubtful in the minds of the judges before whom the late queſtion was. I don't know what was the court, or who were the judges, that pronounced the deciſion in ſir William Wyndham's

ham's caſe; but I cannot think it would have been any indignity to them, to have had a ſingle ſolitary precedent upon a great conſtitutional point reviewed, or even reverſed, if found, upon getting better lights, to have been erroneous, by ſucceſſors as eminent for their learning and abilities, as diſtinguiſhed by their modeſty, and reſpect for thoſe who had been before them, which perhaps, in this inſtance, was not ſo uſeful to the public, as it was ornamental to themſelves. I think queſtions of ſuch importance might well bear repeated diſcuſſions, before they came to be thoroughly ſettled. And though I have always heard that precedents make law, yet I did not imagine ſingle ones were of ſuch force. But if it is ſo, I ſhall hereafter have a greater reverence than I have ſometimes expreſſed for a doctrine which I have heard much ridiculed and complained of, that nothing ſhould be done without a precedent: a maxim that is ſometimes very troubleſome even in parliament, where precedents are not always ſo binding. Before now I thought it abſurd enough to require a precedent for what perhaps never had an example; or to give ſuch a weight to want of precedents as would for ever have prevented any from having been made, if the rule had always been obſerved. But if one precedent is to exclude all future inveſtigation of principles, I own too much care cannot be had in making any. And to prevent further bad conſequences of the precedent of late relied upon and allowed, if it appears to

be

be of a dangerous tendency, the legiſlature, it is to be hoped, will review the Habeas Corpus act. I own I was ſurpriſed the firſt time I read that act with attention to find, that the ſole object of it was to give a more ſpeedy and effectual remedy for obtaining a diſcharge from illegal impriſonment, and that it did not eſtabliſh any cautions of reſtraints to prevent groundleſs and illegal commitments, which did not to me appear to come up to the rubric of the act. Prevention is in all caſes better than remedy; but eſpecially when the caſe is of that kind that no remedy can fully repair the wrong; which is certainly true as to liberty. Finding therefore nothing of that ſort in the act, I concluded, that the common law, or former ſtatutes, had ſufficiently ſecured againſt impriſonment, at leaſt ſo far as a proper caution in the manner and cauſe of commitment could go. In this I was daily confirmed, by what I have already mentioned, of the practice of magiſtrates requeſting information upon oath to ground warrants of commitment. And there I reſted content, having never had occaſion, on any particular account, to make further enquiry, or to get better information. What has lately happened excited my attention, and I am afraid has given me reaſon to believe the Habeas Corpus act is really defective in the particular in which it appeared to me at firſt reading to be lame, if the objection which then occured to me was not, as I thought it certainly muſt have been, obviated

ated or removed by ſome other ſtatute, or by the courſe and practice of the law. If the thing ſtrikes others in the ſame light, it will not, I hope, paſs longer unattended to. When it is conſidered in how many, and what ſort of hands the power of commitment is lodged in this country, and the tediouſneſs even of the remedy by Habeas Corpus, for returning which for a diſtance above 100 miles the ſtatute allows 20 days, with the expence of the journey of the priſoner, which muſt be paid, and ſecurity given for the charges of the journey back, if he is remanded, and which is not the leaſt of all, the difficulty there may be to recover damages from ſome who may be guilty of falſe impriſonment: it may appear not to be unreaſonable, that as much caution ſhould be had to prevent illegal or groundleſs commitments as the public ſafety can admit of. And whether that is the caſe, if any inferior magiſtrate and juſtice of the peace has a power to commit his fellow ſubject, by a warrant bearing nothing but the magiſtrates own affirmation, or charge, that the perſon is guilty, is ſubmitted to the cool, the ſober, and the ſage, who will always feel this truth,

LIBERTAS LÆSA NULLA REPARABILIS ARTE.

END OF VOL. I.

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